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# GOVERNORS OF MARYLAND .

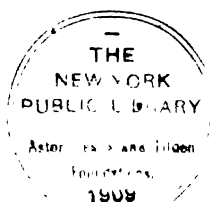


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THOMSON

1877-1878

**THOMAS JOHNSON**

**1777-1779**

**GOVERNORS OF MARYLAND**  
**FROM THE REVOLUTION**  
**TO THE YEAR**  
**1908**

**BY**  
**HEINRICH EWALD BUCHHOLZ**

**SECOND EDITION**

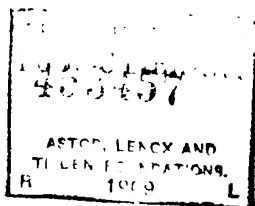
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## PREFACE

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Few writers of historical books can afford to omit the preface. This time-honored personal introduction of a work by the author has a distinct mission to perform, and its non-performance imperils the intelligence of the reception that will be given the volume. There is a certain conventional programme gone through by the maker of serious books. His text in manuscript is sent to the printer, who puts it into type, and proofs of the matter so set are sent back to the writer. After the author has read these proofs he undertakes to pen last of all the opening pages of his book—in short, he writes a preface in which he endeavors to tell, not what is in the book, but what he meant to put there. Because of this preface, the critic—who is the only man called upon to fathom the meaning of the book—is saved the necessity of reading the text proper. Thus it will readily be seen that the wise historical writer by lightening the burden of his critic very discreetly prejudices that judge in his favor.

Dec 30/08  
And even the author of "Governors of Maryland" had a purpose in mind when he started upon the work which here appears. He undertook to write a series of intimate and critical sketches of Maryland's state governors. He aimed to paint as a background for each biography some phase of the political, economic or social life of the commonwealth contemporaneous with the particular character studied, and pertinent to a full understanding of this character's public career. He knew, of course, that in a local field of the sort he had chosen he would be subjected to the special plead-

26ms

ings, the biased assertions, and the unreasonable protests of many descendants of Marylanders falling under the scope of his book, and he resolved to hear and weigh their claims, but to hold nothing sacred in his final conclusions but the truth. Out of these rather pretentious aims grew this simple volume.

One distinction, at least, must be given this work among the historical volumes dealing with Maryland subjects; its author purposely refrains from naming in his preface those who aided him in his work; he also willfully neglects to supply a list of his authorities. Ungrateful, indeed, would be the author were he here to print the names of those kindly persons who have made easy his search for data, since by so doing he would invite other writers to impose upon their kindness. As to sources—too often the historical writer is tempted to copy a page or two or three of some bibliography and offer it as his authorities. But the writer of this work will not hold any other author or any book responsible for his statements or misstatements, for he has drawn his data not only from books, but newspapers, legislative journals, letters, private diaries, his own imagination and, in a few isolated cases, the gossip of old women.



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# GOVERNORS OF MARYLAND



## THOMAS JOHNSON

It is fashionable, perhaps because pleasant, to regard the American Revolution as a general uprising of abused colonists, who sought to free themselves from a foreign yoke which had become so burdensome that it could no longer be borne. But this view does not take into account hesitating conservatives, lukewarm temporizers and God-fearing loyal British subjects. When the struggle that bore the American nation came, there was more than a little dissension among the colonists of Maryland, as well as of the twelve other provinces, regarding the questions at issue. Many good people were either moderately opposed to revolt, or else determinedly and conscientiously in favor of a continuance of British domination. The colonists who joined the Continental army were not all heroes, nor were those who opposed the Revolution necessarily cowards. That tory who, holding England in the right, was willing, though surrounded by a host of revolutionists, to adhere to his faith was decidedly more of a man than the average American history has been inclined to paint him. Though these facts combat popularized tradition, they do not take one whit from the glory that envelopes the Revolutionary period of American history; indeed, they accentuate its brightness, for they show that in the legislative hall as on the field of battle, men opposed men; that gentlemen who fought against England had cause for some compunction in opposing gentlemen who supported England's claim; that all the valor and all the courage were not on one side, but that both parties, and in fact, even those who for

conscience sake remained neutral, had their virtues as well as their vices, their heroes as well as their traitors.

The conventional fife-and-drum history of the American struggle for independence is responsible for a total eclipsing of the true story of that conflict, for fife and drum were but the accompaniments of combats of intellect in legislative halls, and of herculean warfare waged by civilians to arouse the widespread dormant patriotism to consciousness. To the soldier who fired a musket has been given due credit, but the plain-clad civilian who roused him to action, who put a musket in his hand, and who reared a structure of government over his head while he slept at night, has been given no other reward than oblivion. The destructive forces which engaged in casting down the authority of Great Britain are made to stand out in bold relief upon the pages of history, but the constructive forces, which were the backbone of the country's hope, are hidden from view by false shadows. When investigation dissipates these shadows, then is revealed the true greatness of Maryland's first state governor. While the struggle to sustain the Declaration was going on, the colonies set about to establish their individual governments. In Maryland affairs were first intrusted to a committee, but there was soon established another form of government that consisted of a legislative and an executive body, and when the time came for the election of the first governor the legislative body chose Thomas Johnson, whose fame at that time outshone that of many of his fellow-citizens whose names have since completely overshadowed his own. The waning of Mr. Johnson's fame was due to his greatest virtue—his modesty. The army coveted the courage which his presence brought; the legislature claimed the wisdom of his intellect; the bench sought the soundness of his judgment, and to each he gave what was asked, but never thought to husband his reputa-

tion so that posterity might give him a place of glory in the story of the nation which he so largely helped to make.

The grandfather of the governor, also named Thomas Johnson, came to America from Porte Head, Yarmouth, England, in the latter quarter of the seventeenth century in somewhat romantic fashion. He had become enamored of a Miss Mary Baker, who was denied the privilege of marrying, because she was a chancery ward. Mr. Johnson, however, holding love as dear a thing as reverence for unjust statutes, eloped to the New World with the young woman. The refugees settled at St. Leonards, where was born to them a son, who also was named Thomas Johnson. This son was married to Miss Dorcas Sedgewick, of whose twelve children the fifth was Thomas Johnson, Maryland's first state governor, who was born at St. Leonards on November 4, 1732. From youth Johnson came in contact with men of learning. He became a resident of Annapolis and was reared in the office of the provincial court. He studied law in the office of Counselor Bordley, and was admitted to practice at the Maryland bar. His career from then on was cast among the mighty minds of the state. He took from the radicals their righteous fire without their unbridled passion; from the tories their wisdom without their arrogance, and thus he grafted into his own character the best qualities of both parties. It is possible that the "fire-eaters" of the legislature did not look with entire approval upon the man who could discuss quietly things that they argued only with raised voices and clenched fists. John Adams, who was to become president, advanced the opinion that "Johnson, of Maryland, has a clear and cool head. \* \* \* He is a deliberating man, but not a shining orator; his passion and imagination do not appear enough for an orator; his reason and penetration appear, but not his rhetoric." But the able Marylander lacked that fire that Adams thought

essential only because he scornfully discarded it. When the American Revolution began, Thomas Johnson was already a man of wide repute throughout the other colonies. At thirty years of age he had been elected to represent Anne Arundel county in the assembly, and there opposed the stamp act. When the colonists became displeased at the arbitrary views of Governor Eden regarding separate fees for every act of state officials, Johnson was chosen to present an address warning his excellency of the dangers of his course.

In 1768 Mr. Johnson was appointed one of a committee to draft a petition remonstrating with the king of England because of unjust taxations. He was a member of the Annapolis convention of 1774, and was named—with Matthew Tilghman, Robert Goldsborough, William Paca and Samuel Chase—as a deputy from the province to attend a general congress of deputies to effect a common plan of conduct for the relief of Boston and the preservation of American liberties. By repeated election he served as a delegate to the Continental congress, 1774-77. On October 2, 1774, when a resolution was passed by congress that an address to the crown should be prepared, Mr. Johnson was selected, with Richard Henry Lee, John Adams and Patrick Henry, to write it; and in December of that year he was appointed a member of the provincial committee of correspondents, and also as a member of the council of safety. Through his influence the deputies from Maryland in congress were permitted, June 28, 1776, to declare independence of Great Britain; and it was he who, on June 15, 1775, nominated George Washington for commander-in-chief of all the Continental forces.

When the American colonies were preparing for the onslaught that was sure to follow a declaration of independence, Mr. Johnson was among the most active organizers for resistance in Maryland. On May 21, 1776, he was



reëlected to congress, but he tarried at home, creating armed forces out of tillers of the soil and clerks from the counting room. He was elected senior brigadier-general of provincial forces early in 1776 and organized and personally led the "Flying Camp"—a regiment of 1800 soldiers—which went to Washington's relief during his retreat through New Jersey. Mr. Johnson was a man of wealth, and his fortune permitted, while his devotion prompted, him to contribute largely for the military defense not only of his province, but of the country at large. With the glory of a military career awaiting him, the very people who loved him most were instrumental in diverting his career back to the old life in the council halls, thus robbing him of a place among the lauded. On July 4, 1776, when Johnson was elected by the convention as a deputy from the province to the Continental congress, the members of that body went on record in a resolution as believing that his services were of more importance in congress than in the field, and that his place could be supplied with less inconvenience in the military than in the civil department.

The first state constitution of Maryland called for an immediate election of a governor by the two branches of the legislature. Accordingly, on February 13, 1777, the two houses were canvassed and Thomas Johnson received forty votes, while the remaining ballots were scattered among his opponents, Samuel Chase receiving nine, and Matthew Tilghman, George Plater and William Paca one each. The newly elected governor was inaugurated with great pomp on Friday, March 21, 1777. The official ceremonies of inducting him into office were observed in the state house at Annapolis. The soldiery drawn up for review on the lawn, fired three volleys, and a salute of thirteen rounds was fired by the batteries. A night of gayeties followed the inauguration, the state ball reviving memories

of the brilliant entertainments that had won for Annapolis international renown in the days preceding the Revolution. In the summer of that year the British forces under Admiral Howe made their appearance in the Chesapeake, and Governor Johnson issued a proclamation, in which he called upon the people to lend their aid. "To defend our liberties requires our exertions; our wives, our children and our country implore our assistance—motives amply sufficient to arm everyone who can be called a man."

There was here no mincing of words, and at the same time there was disclosed the high place which home held in Mr. Johnson's regard. On February 16, 1766, he had married Miss Ann Jennings, daughter of Judge Thomas Jennings, of Annapolis. The home that he gained by his marriage always held first place in his affection. When in later years there came a question as to which should be sacrificed, the demands of home or the claims of fortune, Johnson did not hesitate in deciding. Mr. Johnson voted for the Declaration of Independence, on July 4, 1776, but on the second of August—when the document was to be signed—there was illness in his family and he remained at home. Having helped to make the Declaration a fact, he permitted himself to be deprived of the honor that came to those who placed to it their signatures, in order that he might respond to a call from home for the comfort of his presence. As a consequence the name of Thomas Johnson is not among those of the signers.

The term of governor in the early days of Maryland's life as an independent state was for one year only and a governor was not eligible for reelection to more than three consecutive terms. Mr. Johnson was twice reelected without opposition. In 1779 he was succeeded by Thomas Sim Lee, and the following year Johnson was again elected deputy to the provincial congress, October, 1780. A few months

later he was chosen a member of the house of delegates. It was through his instrumentality that the deputies from Maryland were instructed to vote in favor of the articles of confederation, Maryland having at first refused to join in the confederation unless Virginia should agree to release all lands west of the Ohio River. Johnson also labored faithfully for the adoption by Maryland of the constitution of the United States, and as soon as the ratification of the constitution was assured he rallied to the support of General Washington for president. Mr. Johnson was a member of the Continental congress from 1781 to 1787. In 1789 President Washington tendered him the office of United States district judge, which he declined. On April 20, 1790, he was appointed chief judge of the general court of Maryland, surrendering the office November 7, 1791, that he might assume the duties of associate judge of the supreme court of the United States, to which position he had been appointed. On the resignation of Chief Judge Rutledge some years later, Washington endeavored to persuade Mr. Johnson to accept this post, but without success.

When Edmund Randolph resigned the portfolio of state in 1795 President Washington invited Mr. Johnson to become a member of his official family. "The office of secretary of state is vacant," he wrote, "occasioned by the resignation of Mr. Randolph. Will you accept it? You know my wishes of old to bring you into the administration. Where, then, is the necessity of repeating them? \* \* \* No time more than the present ever required the aid of your abilities. \* \* \*" Mr. Johnson's letter of declination reveals the extreme modesty which worked such havoc with his fame. "I feel real concern that my circumstances will not permit me to fill the important office you propose to me," he wrote. "I am far from being out of humor

with the world on my own account; it has done me more than justice in estimating my abilities, and more justice than common in conjecturing my motives. I feel nothing of fear, either, in hazarding again the little reputation I may have acquired, for I am not conscious of having sought or despised applause; but, without affectation, I do not think I could do credit to the office of secretary. I cannot persuade myself that I possess the necessary qualifications for it, and I am sure I am too old to expect improvement. My strength declines, and so too, probably, will my mental powers soon. My views in this world have been some time bounded to my children. They yet, for a little while, may have me to lean on. Being constantly with them adds to their happiness and makes my chief comfort."

That Mr. Johnson was altogether sincere in his profession of no concern about his fame, is certified beyond question by the confession of his granddaughter some years later that "We have a few of General Washington's letters to grandpa, but he purposely destroyed all confidential letters before his death." American history contains no parallel of such indifference to that common desire of mankind for fame. In his later years Governor Johnson lived in retirement at Rose Hill, in Frederick. And here on October 26, 1819, in the eighty-seventh year of his age, Governor Johnson died. A more fitting comment on his life at large cannot be found than that recorded by Esmeralda Boyle: "No man did more for the advancement of liberty's cause, yet among the recorded names of American heroes how seldom do we find his name! Few men of Maryland's struggling days did so much toward furnishing material for the history of Maryland, yet how has history forgotten him!"





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**NEEDWOOD,  
FREDERICK COUNTY HOME OF THOMAS SIM LEE  
1779-1782 : 1792-1794**



## II

### THOMAS SIM LEE

It was many years after the adoption by Maryland of a state constitution before anything approaching republicanism was infused into the government. During the first years of liberty the people, as if by common consent, submitted to a reign of aristocracy. Although in time advocates of a truly democratic government arose and ultimately defeated the aristocrats, still a political history of Maryland's earliest days, just as a history of her earliest state governors, must be concerned largely with those who supported policies looking to the governing of the many by a few. Although Thomas Johnson, the first governor, may be regarded as a democratic statesman, when the time came for selecting his successor the political leaders of the state did not seem to desire to place the reins of government in the hands of one entertaining republican principles. There was at this time an uncertainty in the public mind as to the form of government which would be best adapted for the people of Maryland, and that wavering is reflected in the choice of a successor to Johnson. Two candidates for governor were before the legislature in 1779: Col. Edward Lloyd, of Talbot county, and Thomas Sim Lee. On November 8, the two houses cast their ballots, and Lee was chosen. As governor, Mr. Lee attained great popularity, due largely to the fact that his views coincided to a remarkable degree with those of the people of his day, especially the leaders. By his life, therefore, are revealed the general sentiments of his contemporaries upon matters of government, and those sentiments are far from republican. Governor Lee was a patriot;

he labored cheerfully and untiringly for the success of the Revolutionary forces; but the characteristic that attracts the greatest notice is not his patriotism, but his strong leaning toward aristocracy.

Thomas Sim Lee was born in Prince George's county, October 29, 1745. He was a son of Thomas and Christiana (Sim) Lee and great-grandson of Richard Lee, the cavalier of Shropshire, who came to America during the reign of Charles I, and settled in Virginia. There was this difference between Governor Lee and his predecessor in office: Mr. Johnson had won fame before he became governor, and he gave to the executive office more honor than he took from it, while Lee entered upon the duties of governor without previously having accomplished a great deal, and it was his administration of that office almost entirely that won him a place among the state's celebrities. At the opening of the Revolution Mr. Lee was a moderately ardent advocate of armed opposition, but he had not attracted wide attention. In 1777 he began his career in public service as a member of the provincial council of Maryland. His first position of importance, however, was that of governor, and he performed the duties devolving upon that office with signal success, as is certified by the frequency with which he was reelected.

In the opening years of Maryland's existence as a state, the executive was granted but comparatively small authority. The position then was far less influential than the growth of the republican spirit made it in later years, for the executive was, in a way, the social head of the state rather than its governmental head. The social requirements of the executive office were so much emphasized in the latter part of the eighteenth century, that Governor's Lee's popularity must be credited to a great extent to his social performances. At the same time the social aspects of his

governorship should not be permitted to hide his intrinsic worth as a patriot.

Governor Lee began his first term of office at a time when the nation was facing a crisis. The army was in a precarious condition; the ranks were being reduced by desertion and there was little to arrest the discouraging process of decrease. Governor Lee's first official act practically was the issuance of a proclamation for the collection of provisions for the ragged army. The governor received a letter from General Washington early in the year 1780 regarding a call that had been made on "the several states for specific quantities of provisions, rum and forage for the army." And Governor Lee left no stone unturned in his labors to secure the required supplies. Later there came from Washington an appeal for additional troops, and the general assembly, encouraged by the governor, responded: "We purpose to exert our utmost efforts to raise 2000 regulars to serve during the war." These utmost efforts sent 2065 fighting men to the Continental army. In the early months of 1781 Governor Lee rendered considerable aid—and with it encouragement—to Lafayette and the forces under him then journeying southward through the state.

Maryland was frequently called upon by the Continental government for much needed assistance. In reply to such a plea Governor Lee wrote Robert Morris, in August, 1781: "Every thing that is within our power and within the exhausted abilities of this state shall be done cheerfully and immediately to promote and render effectual the expedition which his Excellency General Washington has formed against the British in Virginia, in which we are fully sensible the care and safety of this state in particular is deeply interested." And proof of the fulfillment of that promise is given by Washington's letter to Lee: "Give me leave to return to you my sincerest thanks for your exertions on the

present occasion. The supplies granted by the state are so liberal that they remove any apprehension of want." And a short while later (in October) General Washington again wrote the chief magistrate of Maryland: "My present engagements will not allow me to add more than my congratulations on the happy event [alluding to the surrender of the British army at Yorktown] and to express the high sense I have of the powerful aid which I have derived from the state of Maryland in complying with my every request to the executive of it." These signal services of Governor Lee to the cause of liberty entitle him to a high place among the patriots of the nation.

The legislature elected a successor to Governor Lee on November 22, 1782, and at the same time adopted a series of resolutions commending the retiring executive. Upon relinquishing the gubernatorial office Mr. Lee was elected delegate to the Continental congress, in which he served in 1783 and 1784. He was chosen a delegate to the constitutional convention of 1787, but declined to serve; in 1788, however, he was chosen a member of the state convention which ratified the constitution. Mr. Lee was again elected governor of Maryland in 1792, following George Plater in office. His second administration covered two years, from 1792 to 1794, and witnessed as one of its most important issues the so-called "whiskey insurrection." In 1794 the residents of Western Pennsylvania and parts of Maryland opposed the government in its endeavors to collect revenue from the distillers of domestic alcoholic drinks. The insurrection assumed serious proportions, and the governors of several states, including Maryland, were called upon to supply troops to war against the revolt. By prompt action the enemies of the federal government were defeated before the spirit of revolt against the central government had been permitted to spread. During Governor Lee's

second term he was active in reorganizing the state militia. At the close of his service as governor, in 1794, Mr. Lee established a winter home in Georgetown, D. C. His house became the headquarters for members of the federal party, an organization which Lee heartily supported. He was elected to the United States senate in 1794, and in November, 1798, was unanimously chosen governor of Maryland for what would have made his third administration as the state's executive, but he declined both honors.

Governor Lee was married on October 27, 1771, to Miss Mary Digges, whose father—Ignatius Digges—was a rich landowner of Prince George's county. The young couple soon after took up their residence in Frederick county, where Lee purchased an estate of more than 1500 acres and turned farmer on a large scale. The wife of the governor—known to history as Mrs. Mary Lee—was active during the years of the Revolution in making clothing for the troops and in performing other patriotic services. There were four sons and six daughters in the Lee family. Governor Lee died at his Frederick county home, Needwood, on November 9, 1819, in the seventy-fifth year of his age. Posterity is forced to draw its own conclusions as to the personal appearance of Thomas Sim Lee. He is reputed to have been a very handsome man, but left no portrait of himself. Word pictures, therefore, are the only ones of Maryland's second governor left to the reader, and these, in addition to writing him down as a handsome man, relate that he was six and a third feet high, and that every inch of him was "magnificently proportioned."

### III

## WILLIAM PACA,

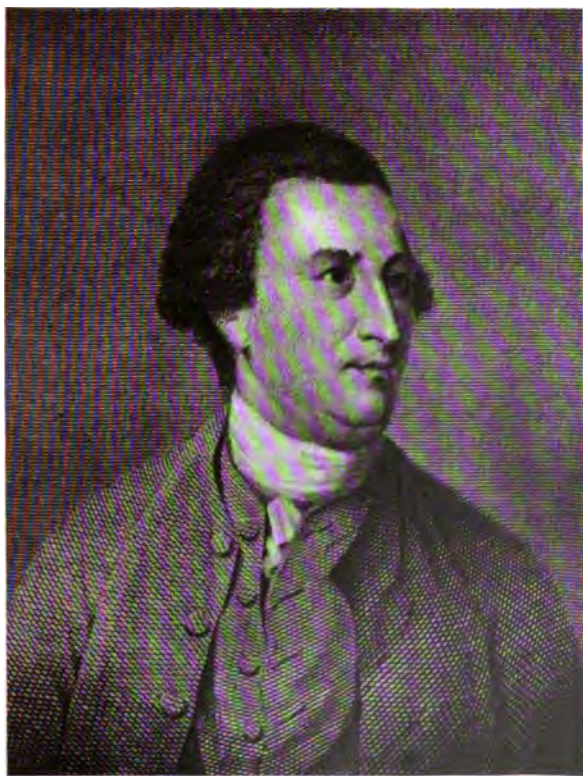
When the historian attempts to price the services of a war politician, his folly leads him into a labyrinth of uncertainties from which he will find it very difficult to extricate himself. The average statesman may be measured according to accepted standards, his labors all labeled and their value correctly calculated. The military leader is also easily disposed of. Data concerning his army and the opposing troops are available; the exact positions of the contending forces may be finely worked out, and all his conflicts reduced to mathematical proportions. But with the war politician the order of things is altogether reversed; nothing is tangible, everything is vague. What has been accomplished, so much is certain; but how it was accomplished must always remain a quantity of unknown value. The people—that is, the masses—may have been full charged for action long before the leader came, needing only an oratorical spark from him to ignite their concealed passion; on the other hand, at his coming they may have been altogether opposed to the things he advocated, making it necessary for him to prepare them for his doctrine before attempting to impart it, or his lot may have been cast where existing conditions were any one of a hundred varieties between these two extremes. It is essential that cognizance be taken of this futility of attempting to weigh accurately the influence of war politicians, in order to be safeguarded from wrongly estimating the worth to his state of Maryland's third governor, and with that cognizance there may come a disinclination to form any estimate at all.

WILLIAM PACA  
1782-1785

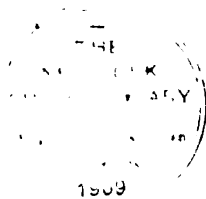
1911

WILLIAM BACA  
1893-1902





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When the time arrived for electing a successor to Governor Lee, the general assembly nominated, in November, 1782, St. John Jenifer and William Paca as candidates for state executive. Mr. Paca was elected, and the legislature thus put the administrative affairs of the commonwealth in the hands of a war politician. William Paca was born at Wye Hall, the country seat of the Pacas in Harford county, on October 31, 1740. The governor's father, John Paca, who had early settled in Maryland, held office under the proprietary governors. His independent fortune enabled him to give William, who was his second son, a more thorough education than was enjoyed by most youths of pre-Revolutionary days. At home the boy received careful guidance in the customary branches of classical instruction, and he was afterward sent to Philadelphia to complete his academic studies. At the Philadelphia College—the nucleus of the University of Pennsylvania—Mr. Paca took his bachelor's degree on June 8, 1759. In the same year he began to read law under Stephen Bordley, of Annapolis, and in 1761 was admitted to practice in the mayor's court. Later he went abroad to finish his legal studies, entering Middle Temple, London, as a student, and, upon his return to America, settled in Annapolis and was admitted to practice in the provincial court.

It was during the years of study at Annapolis that Paca made the acquaintance of Samuel Chase, and these two men, vastly different in many respects but both passionate in speech and fond of debate, formed a lasting friendship. At this time also Mr. Paca made his first matrimonial venture, marrying, in 1761, Miss Mary Lloyd, the daughter of Benjamin Chew Lloyd, of Anne Arundel county. At the age of twenty-one Mr. Paca made his first public appearance as a politician, and almost simultaneously with that appearance began his career upon the side of England's most outspoken opponents in America. The stamp act in 1765 and every

subsequent endeavor to impose upon England's colonies unjust taxation brought wrathful denunciation from him. He was a member of the Maryland provincial assembly from 1771 to 1774, and throughout that time was loud in his opposition to the domination of England over the American colonies. In 1774 Mr. Paca became a member of the committee of correspondence, and a year later served in the council of safety. When the port of Boston was closed he was appointed one of the five Maryland delegates to the congress "for the relief of Boston and the preservation of American liberty." He represented Maryland in the Continental congress from 1774 to 1779. Although serving as representative for a people who repeatedly disavowed any hostile intentions toward England, he still labored untiringly for the war party. In 1775 he and Samuel Chase supplied from their own purses funds for providing a volunteer corps with rifles.

A few months before the Declaration of Independence was adopted, a rumor reached the Maryland assembly that some rash people desired congress to declare independence of England, and the members of the assembly became anxious for fear that the representatives from Maryland would join in such an unwise course. Accordingly, a resolution was adopted which declared that Maryland did not entertain views or desires for separation, and "would not be bound by the vote of a majority of congress to declare independence." This attitude continued to the very eve of the passing of the Declaration of Independence. But William Paca, burning with the fire of youth and thirsting for warfare, would deliver a passionate address, appealing to the congress to visit summary punishment upon England for her inconsiderate domination, and then turn to receive a fresh reminder from his constituents that nothing was farther from their desire than a severance of that peace-

giving, happy relationship which bound England and Maryland. Whether Paca's passion roused Marylanders finally to action, or whether the very excess of his fire was responsible for their apparent hesitancy, is one of those doubtful points that must be encountered in the life of the war politician. At last, on June 28, 1776, the Maryland convention withdrew the restrictions it had placed upon the delegates in congress and Mr. Paca and his associates were advised that they might vote as their judgment dictated. Passion had already dictated, and, with startling promptness, they voted for a declaration of independence. The name of William Paca has been accorded a prominence in the minds of Marylanders somewhat out of proportion to the intrinsic worth of his services as compared with those of other leaders of his time, solely because his signature was attached to the Declaration of Independence. And yet it was not through the labors of Paca himself, so much as through those of the larger statesmen, such as Thomas Johnson and Charles Carroll, that he was at last privileged to sign the Declaration as Maryland's representative in congress.

Mr. Paca was named August 17, 1776, one of a committee to "prepare a declaration and charter of rights and a form of government for Maryland," and when that state government was inaugurated he was chosen as a senator in the first assembly. He was also active in the organization of the army that was to sustain the Declaration of Independence, and was one of the committee from Maryland that assisted in planning a naval armament to defend the approach to Philadelphia. With the establishment of some form of government in the colonies Paca readily turned to the judiciary. His training had been strictly legal and his leaning was always toward law. In March, 1778, he was appointed chief judge of the general court of Maryland, in which

office he continued for several years. Just before he was chosen state executive he served as chief judge of the court of appeals in prize and admiralty cases. Paca was elected governor in November, 1782, and the first year of his administration witnessed the beginning of peace in America. ✓ Indeed, he was governor when the independence of the colonies became an established fact, for that independence was dependent upon the ability to sustain the declaration. ✓ During the three years that he was chief magistrate of Maryland his administration was much concerned with the task of smoothing out the rough places of a hurriedly contrived government and in seeking to lighten the burden of the home-coming warriors.

Late in the year 1783, Governor Paca invited congress to Annapolis and threw his own house open to the president of that body. It was here that Washington, on December 23, 1783, surrendered his commission in the presence of the governor, the general assembly and the Continental congress; and while congress was sitting in Annapolis, the treaty of peace, which had been concluded and signed at Paris, was here ratified, on January 14, 1784. Among the noteworthy activities of Mr. Paca while governor was his labor on behalf of the returning soldiers, who had been promised fifty acres of land under Governor Lee's administration. ✓ On May 6, 1783, he informed the members of the assembly that a very considerable number of the troops of the Maryland Line "returned are not nor ever will be fit for service again. They are incapable of doing active duty and ought to be turned over to the invalid corps." And he worked faithfully to see that the men who had contracted sickness on the battlefield were provided for in their distress. After his gubernatorial administration, Mr. Paca was chosen a member of the Maryland convention which ratified the constitution of the United States.

He was appointed by Washington in December, 1789, judge of the United States court of the District of Maryland, and served in this office until his death in 1799. He was vice-president of the Maryland branch of the Society of the Cincinnati from 1784 to 1799. Governor Paca was instrumental in establishing Washington College, at Chestertown, Md., and throughout his life was a strong advocate of higher education. After the death of his first wife, Mr. Paca was married, 1777, to Miss Anne Harrison, of Philadelphia, by whose death, however, a few years later he again became a widower. A writer of earlier times is authority for the statement that "Mr. Paca was a man of remarkably graceful address, fine appearance and polished manner; he had mixed long in the best society and had improved his social powers to a very high degree of refinement. In the office of governor his superiority in these respects was very strikingly displayed, and the courtesies of the executive mansion have never been more elegantly sustained than during his tenure of office."

#### IV

### WILLIAM SMALLWOOD

During the years of America's struggle for independence the people of Maryland placed the administrative affairs of the commonwealth in the hands of men who were more at home in the legislative hall and in the courtroom than upon the battlefield. The first and third governors—Johnson and Paca—had been preëminently jurists, although Mr. Johnson at one time had a leaning toward the war department; Governor Lee, too, was unacquainted with the life of a warrior. But when the war ceased, although the people of the colonies heartily welcomed relief from the strain that had been imposed by the struggle to maintain independence, they felt foremost in their bosoms a passion for militarism. There were certainly men in the land who knew more about government than Washington, but there was none who was as completely enveloped in the glory of the soldier, and so it was Washington who was first chosen to hold the reins of the federal government. And as the leaning of the nation was toward the men who had worn uniforms, so in Maryland the people's eyes, when they sought a successor to Governor Paca, rested first upon one who, perhaps more than any other, had been accepted as the most famous military man of the state—General Smallwood.✓

William Smallwood was born in Kent county in 1732. His father, Bayne Smallwood, planter and merchant, had been presiding officer in the court of common pleas in colonial days and also a member of the house of burgesses. Priscilla Heberd Smallwood, the governor's mother was by birth a Virginian. The bringing up of William Smallwood



WILLIAM SMALLWOOD

1785-1788

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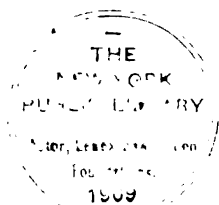
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was regarded as a matter of great importance by both his parents and at a tender age he was sent to England, receiving his preparatory training at Kendall and completing his studies at Eton. In the meanwhile Smallwood cultivated a passion for the life of a soldier, and upon his return to America engaged, though without distinction, in the French and Indian war. From this time until the beginning of the Revolution, Mr. Smallwood occupied only an inconspicuous place in the province, but during these years he was being developed for the task which was to be imposed upon him by the struggling colonies. He was in his forty-third year when the war with England began, and while the echo of the first shot was yet resounding through the land he hurried to the field of action. On April 19, 1775, Lexington witnessed the initial locking of horns of the British soldiery and the American colonists, and five days later William Smallwood, glorying in the title of colonel and commanding 1444 men, left Annapolis for Boston to join the Revolutionary forces. Colonel Smallwood's regiment took part in the battle of Long Island, and two days later the Maryland regiment, then at Fort Putnam, was designated by Washington to cover his retreat into the lines below Fort Washington. The impetuosity of Colonel Smallwood prevented him from distinguishing between covering a retreat and making a charge, and he had the red coats on the run when Washington was forced to send a messenger after him and have his troops recalled.

Colonel Smallwood was not a humane leader. The sacrificing of men was to him a matter of little concern. In many of the engagements in which his command took part the passing of the smoke of battle revealed the sorrowful fact that the majority of his men had been slain. But he knew no such word as retreat, and with something like the unconcern of a god he could see the lines about him crumble

away without for an instant changing his purpose of standing firm. For example, at the battle of White Plains, after Brooks' regiment had "fled in confusion without more than a random scattering fire" when the British appeared, and the artillery followed, Smallwood's regulars and Reitzman's regiment of New Yorkers held their ground as unconcerned as if they constituted the entire Continental forces instead of a very small part of it. Although deserted on all sides, they stood like a rock in the midst of the conflict and "finally, cramped for room, they sullenly retired down the north side of the hill." The troops who then rejoined the Continental forces comprised but a minority of the two regiments, more than half of Smallwood's soldiers having been left dead upon the field while the daring commander himself was carried off, disabled by two wounds received in the last moments of the struggle. On October 23, 1776, Smallwood was commissioned brigadier-general, and his regiment was in the battles of Fort Mifflin on October 23, 1776; Fort Mifflin on November 16, 1776; Trenton, December 26, 1776; and Princeton, January 3, 1777, and of its performance Washington recorded: "Smallwood's troops had been reduced to a mere handful of men, but they took part in the engagement with their usual gallantry and won great renown." At Germantown, October 4, 1777, the Maryland Line retrieved the day and captured part of the British camp.

During the war General Smallwood developed to a remarkable degree the faculty of being a disagreeable man. When his quarrels with those who were supposed to be striving for the same purpose as himself are noted there arises a question whether he was less agreeable to encounter on the field of battle or in the barracks. He was strongly opposed to the appointment of foreigners as officers in the Continental army, and as a consequence he had several disagreements

with distinguished warriors who had come from other lands to America's aid. The first encounter of this kind occurred in June, 1778, when Count Pulaski took up his headquarters in Baltimore and began to enlist men for "The Pulaski Legion." When Smallwood observed that men who should have come to him were drifting to Count Pulaski, he protested to the council. But the council—fearing to hurt the count's feelings and not daring to ruffle Smallwood's—plead lack of jurisdiction. In 1780 the Maryland Line marched to the south, and here for some time persevered under General Gates. Although the operations in the south were not altogether successful from the American standpoint, congress was prompted, on October 14, 1780, formally to thank Brigadiers Smallwood and Gist and the officers and soldiers of the Maryland and Delaware lines "for their bravery and good conduct displayed in the action of the 16th of August last, near Camden, in the state of South Carolina." But Camden was the burial ground of the fame of General Gates, and he was deposed, while General Greene assumed command of the southern army. In September, 1780, Smallwood was made a major-general and some of his fellow-officers intimated that he was honored only because he had left no stone unturned in his fight for self-advancement. "At Salisbury," writes Colonel Williams, "120 or 130 miles from the scene of the late action, Smallwood took time to dictate those letters which he addressed to congress and in which he intimated the great difficulties he had encountered and the great exertions he had made to save a remnant of General Gates' army—letters which, with the aid of those he addressed to his friends in power, procured him, it is generally believed in the line, the rank of major-general in the army of the United States, and which probably promoted the resolution of congress directing an inquiry into the conduct of General Gates."

Upon the death of Baron de Kalb, which occurred several days after the battle of Camden, General Smallwood was promoted to command a division. But the removal of Gates brought him under Baron Steuben, and once more he found himself at odds with his fellow-officers. Smallwood refused to serve as subordinate to the foreigner and also demanded of congress that his own commission be dated two years back, upon penalty of losing him as an officer in the Continental forces if his request was not complied with. Washington went on record with an expression of displeasure at Smallwood's endeavor to engage Steuben in a controversy, while congress flatly refused to comply with Smallwood's demand; and yet he continued to serve, remaining in the army until November 15, 1783.

Smallwood was elected to congress in 1785, but before he could begin his duties in that body he was chosen, in November of the same year, to succeed William Paca as state executive, and he served three terms of one year each as governor. During Smallwood's administration the country reached its low water mark as an independent nation. The colonies had granted very small power to the central government, and even this little authority was not respected. The country was in a chaotic state, and throughout the provinces pessimism was widespread. The success of the American colonies as independent and republican states was regarded as a visionary thing, a bubble that had been punctured. It was during Smallwood's administration that the colonies were finally influenced to accept the constitution of the United States. A few weeks after the question of adopting the constitution was submitted to the people of the several states by congress, Smallwood convened the assembly, November 5, 1787, and while that body was in session the delegates to the constitutional convention were invited to appear before it and report. There was a

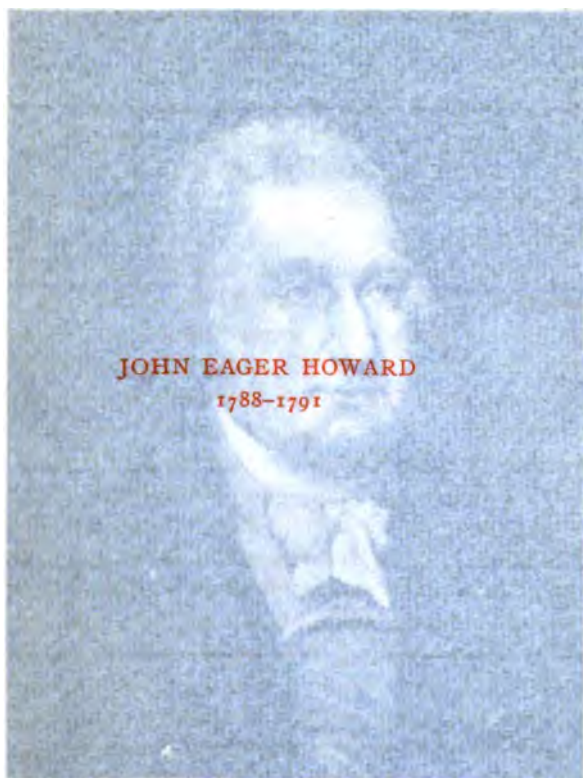


strong opposition in the state against the constitution, led by Luther Martin, but finally, on April 28, 1788, the constitution was accepted. Smallwood's administration also witnessed the beginning of the work to improve the navigation of the Potomac, the settlement of the claims of British creditors and the devising of methods of paying the national debt.

Governor Smallwood was succeeded in 1788 by Gen. John Eager Howard, <sup>✓</sup>another Revolutionary hero, and retired to his estate in southern Maryland. As to his home life little can be said, since a bachelor is not supposed to have any home life, and Smallwood was never married. He died at Mattawoman, on February 14, 1792. He requested that no stone should mark his grave, and it may have been due as much to his unpopularity in certain quarters as to any intention to respect his wish that up to a few years ago his final resting place was practically unmarked. A chestnut tree—sprung, it was claimed, from a nut that had been put into the soft mound of his freshly made grave—was for more than a century all that indicated where the body of Governor Smallwood lay. But on July 4, 1898, the Maryland Society, Sons of the American Revolution, erected a plain granite block, five feet high and nearly square, over the warrior's grave in Charles county. No more appropriate symbol could have been chosen for the man.

## JOHN EAGER HOWARD

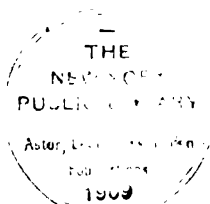
During the years of the Revolution there were practically no political parties of pronounced doctrine in America, since no reason appeared for their existence. Everybody—except of course, the tories—was supposed to belong to the party which was opposing England, and it was not until after the independence of the American states had been fully assured that the former subjects of England living in the provinces began to shift about for some form of political faith. It must not be inferred that none of them had previously entertained views upon government, nor must it be supposed that certain forms of government had not already been devised; but how highly speculative were these still imperfect political faiths is shown by the custom, prevailing in the first years under the constitution, which countenanced a member of each of the two leading political parties becoming, at the command of congress, bedfellows, one as president and the other as vice-president. At the close of the Revolution the outlook in America was serious, because the several commonwealths were suspicious of one another, and therefore in no frame of mind to delegate to the representatives of other states any considerable voice in the conduct of their own affairs, while a large part of the American people was favorable to a policy which should reserve to each commonwealth its individuality as a sovereign state. This led to the formation, in 1787, of a party known as the federalist, which had as its aim the support of the proposed constitution of the United States. There also sprang up the anti-federalist party which was dis-







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trustful of the expediency of placing in the hands of any central government large authority over the several states. The story of these two parties naturally concerns the reader who would follow the history of Maryland past the administration of Governor Smallwood. The first four state executives were men of no party; they may have had views upon government—they did, indeed, cultivate very decided views—but the opportunity for a man being a party politician did not arrive until about the close of Smallwood's administration, or in 1788, when Colonel Howard, a federalist, was elected to the executive office.

John Eager Howard was born at Belvedere, in Baltimore county, June 4, 1752, the son of Cornelius and Ruth (Eager) Howard. He was one of a vast army of young men, coming to maturity toward the outbreak of the Revolution, who had been trained simply for a life of ease. Private tutors had been provided for him by an indulgent and well-to-do father, and from these he learned what he wanted to know and declined to study what did not appeal to him. When the first shot of the war was fired many of the wealthy young men of the country, who were ready always for a fox hunt or a skirmish, hied themselves to the scene of activity, and among them was young Howard. He had only a few years before reached maturity and was still but a stripling. It is recorded, that he expressed to a member of the committee of safety a desire that he be permitted to join the rebels, and that friend promptly secured for him a commission as colonel. Anecdotes, especially of the Revolutionary period, should be taken with more than a grain of salt, and yet the subsequent acts of Mr. Howard seem to give some plausibility to the rest of the story, which says that he confessed a distrust of his ability to fill the office of colonel, and insisted on being assigned instead to the position of captain. At all events when the "Flying Camp" moved northward

Howard set forth to try his worth as a warrior. He was at the battle of White Plains on October 28, 1776, and in other smaller engagements. In December, when his term of service expired, he reenlisted, taking rank as a major in the Fourth Maryland. At the battle of Germantown, October 4, 1777, Howard assumed command of the regiment upon the disabling of Lieutenant-Colonel Hall. In June, 1779, he was promoted to lieutenant-colonel, his commission dating from March 11. He accompanied the Maryland troops when they started for the Carolinas, in 1780, and was present at the disastrous battle of Camden.

Throughout these years Mr. Howard advanced steadily; and succeeded in attracting to himself some attention as an officer of considerable ability, but it was not until 1781, or in the latter part of the Revolution, that he really won fame. His name is linked inseparably with the story of the battle of Cowpens, for it was there that an apparent American defeat was turned to an American victory, and the Marylander was the man who did the turning. Victories were needed to cheer the hearts of the discouraged colonists, and for the cheer which Howard's feat sent forth the people were quick in according gratitude.

On January 17, 1781, the British under Tarleton engaged the Continentals under General Morgan, including Howard's regiment. Morgan, observing that by the movement of the British army Howard's right was being exposed, ordered the latter to retreat. But before Howard could execute the order Tarleton began a charge. Colonel Howard seeing the enemy advance toward his regiment and feeling at his heart a twitching to be courteous and meet him halfway, disregarded his orders, turned his men about and fired upon the enemy. Tarleton's men were unprepared for the shot which was poured in upon them and wavered in their advance. Their hesitancy was fatal, for General Howard, seeing them



falter, commanded his men to charge with fixed bayonets the line from which he had been ordered to protect himself by a retreat. The enemy was hung almost to a man upon the American's bayonets; Cowpens was a victory and Howard thenceforth a hero. General Morgan rode up to his daring subordinate and said: "You have done well, for you are successful; had you failed I should have shot you." Upon which Howard calmly responded: "Had I failed there would have been no need of shooting me."

A writer of the time is authority for the statement that Howard at that moment held in his hand the swords of seven British officers who had surrendered to him. But, of all the records of the affair there is none which wins as high admiration for the hero as a story which he himself related. It certifies that Howard, as daring as Smallwood while in action, possessed a depth of humanity that spoke of a heart even bigger than his courage. "My attention," wrote Howard, "was now drawn to an altercation of some of the men with an artilleryman, who appeared to make it a point of honor not to surrender his match. The men, provoked by his obstinacy, would have bayoneted him on the spot had I not interfered and desired them to spare the life of so brave a man. He then surrendered his match."

In the battle of Eutaw Springs, September 8, 1781, Howard's regiment was reduced to thirty men while Howard, toward the close of the struggle, fell, severely wounded. A few months later Howard set out for his home and of the departing Marylander General Greene wrote: "My own obligations to him are great—the public's still more so. He deserves a statue of gold, no less than the Roman and Grecian heroes." Colonel Howard retired to his home in Baltimore county, but, like many of the soliders who found their occupation gone, he soon turned to politics as a means of employing his talents. He was a member of the Conti-

mental congress in 1787 and 1788, and in the latter year was elected governor of Maryland to succeed General Smallwood.

Mr. Howard appeared as the standard-bearer of a political body, which had not been the case with his predecessors in the executive office. He was very much a federalist and held to the principles of that party even up to the time when it opposed the second war with England. He served three terms of one year each as governor, being reelected in 1789 and 1790. During this period the state of Maryland cast her six electoral votes for Washington as the first president. Governor Howard's administration also witnessed preparations for the founding of a national capital, the Maryland assembly, voting, December 23, 1788, in favor of ceding a tract of land 10 miles square for the seat of the central government. When the legislature of Virginia undertook to make a loan to the federal government for the purpose of erecting governmental buildings, the state of Maryland, 1789, provided for the sale of public lands to the amount of \$72,000, the proceeds to be lent to the national government for the same purpose. ✓ At the close of his administration Colonel Howard retired to private life. In 1794 he was offered a position in the regular army with the rank of major-general, but declined it. The following year he was elected state senator and in 1796 he was chosen as the successor of Richard Potts in the United States senate. The unexpired term to which Howard was chosen was for one year, and at the termination of this short service he was reelected for a full term of six years, serving until 1803. Howard had been invited by Washington in 1795 to become a member of his official family by accepting the portfolio of war, but was constrained to decline the office.

Despite his natural inclination toward a military career

and his political activities, Howard was a man who loved best the moments he spent at his own fireside. He had married, on May 18, 1787, Miss Margaret Chew of Philadelphia. The Howards had five sons—almost all of whom won distinction in their state—and four daughters. Four of the boys, including the one named after Governor Howard, were in the War of 1812-15, taking part in the battle of North Point. His grandson, also bearing his name, was in the Mexican War, while George Howard, another son, was elected governor of Maryland. In 1814, while the British were occupying Washington, there was talk in Baltimore of capitulation. At this time Governor Howard organized a regiment of veterans, and, placing himself at their head, took the field, although he was not afforded opportunity to see much active service. Colonel Howard was a prominent figure in the councils of the federalist party until 1816, when that organization named him for vice-president. But the federalists' stand in the War of 1812-15 had been their undoing and Howard and his fellow candidates on the federal ticket were defeated. After that Colonel Howard was less active in public affairs. He spent his days in a quiet, peaceable, uneventful sort of life at Belvedere. Mrs. Howard died in 1824, and thereafter the old warrior and statesman was little seen in public. Early in October, 1827, he contracted a severe cold, and died on the twelfth of that month. His funeral was attended by a host of high dignitaries, including President Adams.

## VI

### GEORGE PLATER

Since "all the world's a stage," it is not unreasonable to assume that even history in many parts is only a record of the performance of those who make-believe. Yet, though history's pages generally be filled with tales of the heroic and the sensational, here and there is found evidence of the presence of humbler creatures, who seem to be there chiefly to afford a background for their less retiring contemporaries. Occasionally the reader in the Revolutionary period of American history finds a page across which flits, as if by the merest chance, one of these modest historical personages; but instead of being offended because of the apparently unwarranted intrusion, he learns to welcome it with more warmth than is given the appearance of many of the chief actors. And these quiet, unassuming men have their historic value. First of all, they bring home to him who surveys those times the fact that not all men were then conventional heroes. These commonplace characters serve, too, as ballast for a story that threatens sometimes to take on the aspect of myth. But to speak of one of the chief magistrates of Maryland as a commonplace man is, perhaps, to give offense; and therefore the critical biographer of Governor Howard's successor is apt to be offensive. Not that Mr. Plater was an incapable man, nor that as a statesman he revealed small ability; but the even tenor of his life and the absence of anything notable in a career that had so many opportunities for notable service, cause his public record to be completely overshadowed by the lives of most of the leaders of his day.







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George Plater was born at Sattorly, near Leonardtown, St. Mary's county, November 8, 1735. He was, therefore, at the time of the Revolution, one of the more mature citizens of the province as compared with the youths of John Eager Howard's stripe. His father, Colonel George Plater, had held among other public offices that of member of Lord Baltimore's council of state. The son was trained for the legal profession, but preparatory to taking up the study of law was graduated from William and Mary College (1753). As a lawyer he did not possess that passion for debate and appreciation of the spectacular that caused his fellows, of no greater mental caliber than he, to forge ahead of him. But his mind was well developed and he revered the law with a reverence that was little short of worship. Entering the political arena at Annapolis at a time when the public voice was beginning to be tinged with accusations and denunciations of England, Mr. Plater was almost bound to become infected with the germs of "opposition." A lawyer in the decade or so preceding the war for independence had no surer way of informing the people that he was prepared to receive clients than by taking the stump in more or less intelligent discussion of England's disregard of the colonies' rights. But George Plater was never one of the violent fire-eaters.

Early in his public career, from 1767 to 1773, he filled acceptably the position of naval officer at Patuxent, in which capacity his father had served before him. He was elected as a representative of his county in the convention that assembled at Annapolis on May 8, 1776, and that invited Governor Eden, the representative of the English crown, to vacate. A few weeks later, May 26, he was appointed one of the council of safety, and he was elected a delegate from his county to the convention which met at Annapolis on August 14, 1776. While it has been inferred that Mr.

Plater was a commonplace man, it was rather with the aim to stress his quiet demeanor in filling the public offices given him, as opposed to the gallery play of many men of his time, than to discredit him or belittle his intrinsic worth. He was not a man of large creative ability; he was not a legislator of extensive influence, nor did he possess an individuality of marked distinction; but withal he was a reliable representative of the people as long as the atmosphere in which he existed was legal or constitutional. His value as a lawyer and a lawmaker came to be fully appreciated by both his constituents and the representatives at Annapolis, and on August 17, 1776, he was appointed a member of the committee chosen "to prepare a declaration and charter and a form of government" for the state. He was elected a member of the Continental congress in 1778, serving consecutively until 1781. After his service in the Continental congress he was repeatedly chosen as the representative of St. Mary's in the upper house of the general assembly and on several occasions was president of the senate. When the constitution of the United States was submitted to the several commonwealths for ratification, Mr. Plater was a member of the Maryland convention elected to vote upon the document. This body, which finally ratified the constitution on April 28, 1788, was presided over by him.

It is doubtful just how much Mr. Plater contributed to the defeat of the enemies of the constitution, but it is certain that by his intelligent and just direction over a body of men which was somewhat easily influenced he helped to win favor for the instrument which was designed to bind together the thirteen states. William Paca was anxious to have the convention adopt certain amendments to the constitution, and was requested to prepare a series of proposed changes; but when Mr. Paca rose to present his amendments, he was informed that the convention had been assembled

not to amend the constitution, but to vote for its ratification. A significant testimonial to Mr. Plater's guidance of the deliberations of the body is found in the record that, after the remarks of William Paca upon his proposed amendments, the convention offered a vote of thanks to its president and then adjourned without acting upon Paca's suggestion. In 1789 Mr. Plater appeared as a candidate for presidential elector on the federalistic ticket, and cast his vote for George Washington for president.

At the close of Mr. Howard's administration it seems that gubernatorial material was scarce. The legislature had become discouraged in the matter of electing governors, since it was a common occurrence for a citizen, after having been chosen governor of the state, upon being notified of his election by a committee of the legislature, to inform it that he could not serve. For this reason the legislators learned to train their gaze for available timber just a little lower than they had at first been accustomed to do. In 1791 <sup>the legislature</sup> they invited George Plater to serve as governor of Maryland, and Mr. Plater accepted, becoming the sixth governor of the state. Governor Plater's administration, however, was short. His health soon became impaired and early in the year following his election he died, breathing his last on February 10, 1792. He was buried at his birthplace, Sattorly. His brief service as chief magistrate of Maryland contains no single event of great moment outside of the locating of the national capital—an affair in which Maryland had a deep concern.

Mr. Plater was twice married. His first wife, who had been Miss Hannah Lee, died in 1763. His second wife was Elizabeth Rousby, a granddaughter of Ann Rousby, the widow of the first George Plater—Governor Plater's grandfather. This second marriage was solemnized on July 10, 1764.

## ✓ JOHN HOSKINS STONE

Toward the close of the eighteenth century Maryland stood sorely in need of a constructionist for governor. ✓ Some of the earlier state executives had been constructionist to a slight extent, but they were constructive legislators, not executives. Mr. Johnson, for instance, was not anxious to resume the administration of the state's affairs, because he had come to believe, that in the legislative halls or on the bench were open the only opportunities to blaze the way for more perfect government, and that in the executive office there was presented little chance to do more than represent the commonwealth socially. But with all his far-sightedness, Governor Johnson, among other leaders of his day, failed to see that the gubernatorial office was denied the right to become constructive only because no large man assumed the lead in imparting to the office this power. These leaders did not seem to realize the fact that the proper man with the proper spirit might broaden the dignity and prerogatives of the gubernatorial office until its social side should become secondary and its political power advance it to the first office in the state. ✓ It was not until after the second administration of Governor Lee that there was called to the executive chair a man who fully realized the needs of the occasion—who, too, possessed daring and originality enough to experiment, and was endowed with tact sufficient to avoid giving offense. This man, elected in 1794, was Governor Stone. ✓✓

John Hoskins Stone was born in Charles county, Maryland, in 1745. On his paternal side he was a descendant

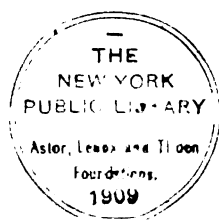
**JOHN HOSKINS STONE**

**1794-1797**





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of William Stone, who, toward the close of the first half of the seventeenth century, was appointed governor of Maryland by Lord Baltimore. His father was David Stone and his mother was a daughter of Daniel Jenifer. Young Stone was trained for a legal career. He received at the private schools of Charles county what was then considered a liberal education and obtained the finishing touches to his professional training by being brought in contact with the leading legal lights of the day. When the American Revolution became inevitable Mr. Stone had reached the age of thirty years and had already won a fair amount of attention as a lawyer, both in his own county and at Annapolis. In November, 1774, he had been chosen to serve on the committee from Charles county which was to carry out the resolutions of congress. He was a member of the committee of correspondence and, in 1775, a member of the Association of Freemen of Maryland. Like many a young political leader of his day, he was prompt in answering the call to arms. Even before his native state had sanctioned a declaration of independence he mounted his war horse to fight for separation. On January 14, 1776, he was elected a captain in Colonel Smallwood's First Maryland Battalion and served with sufficient distinction to receive a promotion to a colonelcy by the following December. But the military ability of Mr. Stone must always remain an unknown quantity, for when he had attained to a position where he would best be able to show the stuff of which he was made, misfortune interposed herself between him and opportunity. It is recorded that he fought with distinction at the battles of Long Island, White Plains, Princeton and Germantown, but at none of these places did he win greater praise than was accorded many of his fellow-officers. At the engagement of Germantown, however, he received a severe wound, which not only disabled him from further military service

but crippled him for life. For some time he clung to a vain hope that he would be able to resume service with the Continental forces, but finally, on August 1, 1779, he resigned his commission and again became a private citizen of Maryland.

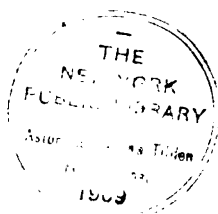
Mr. Stone's misfortune succeeded in diverting his ambition from the military to the political field, and in November of the year 1779 he resumed his position in the council chambers of Maryland, and was named as a member of the executive council chosen to advise Thomas Sim Lee, then governor. Two years later in 1781, Mr. Stone became a clerk in the office of Robert Livingston, who was secretary of foreign affairs under the articles of confederation. He was elected a member of the house of delegates in 1786, and was named as one of the committee to prepare instructions for commissioners to the Philadelphia convention, which framed the constitution of the United States. For a period of several years thereafter Mr. Stone dropped somewhat from the public eye, but in 1794, when he was chosen governor of the State of Maryland, he assumed a position of much importance in both the affairs of Maryland and of the nation. He had been a hearty supporter of the federal party, and it was as a federal candidate that he was chosen governor. The newly elected executive realized first of all, that the office of chief magistrate in Maryland was not as important as it should be, and he devised means for augmenting its dignity. He seemed indisposed to let the legislators not only pass the laws, but create them, while the governor devoted his time to basking in the smiles of fashionable society. The means which suggested itself to him as opening up a new avenue of influence for the gubernatorial office, was the outlining by the executive of the affairs of moment which to his mind were deserving of the consideration of the legislature. With the purpose of thus enlarging the influence of his office, the governor

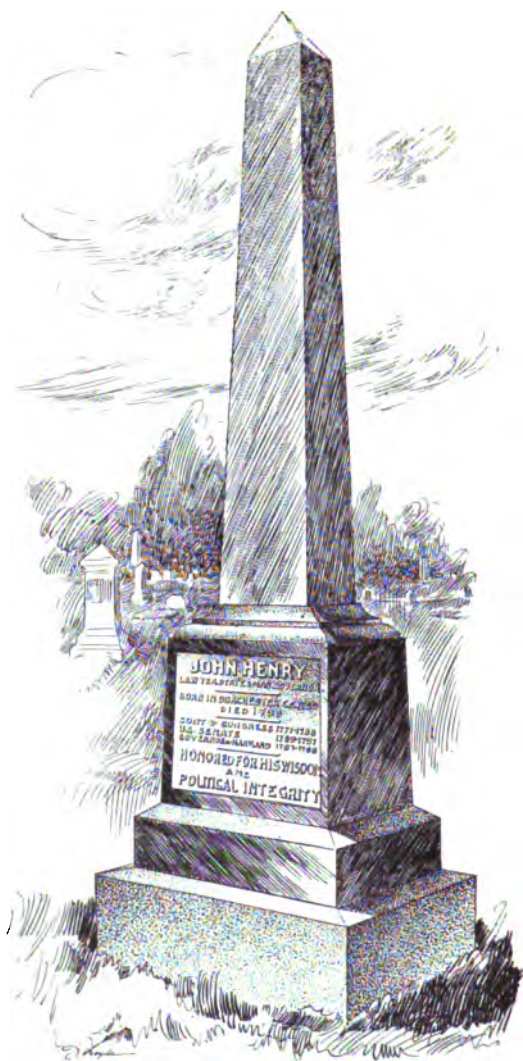
addressed a message to the legislature at the opening of the session, in which he called attention to those duties that he thought confronted it. The members of the assembly were pleased with the innovation of a governor's message. "Although not sanctioned by precedent," they wrote him, "or enjoined by the constitution, such communications certainly have their use, and we wish that future governors may follow the laudable example whenever it may seem expedient to submit to the legislature such matters as they shall judge deserving its attention."

✓The inauguration of the practice of sending a message from the executive mansion to the legislature at the beginning of a session is the greatest monument of Governor Stone's constructive administration. Another accomplishment, though of less importance, was the aid which he, and the legislature at his instigation, rendered the national government in the matter of erecting buildings. After the city of Washington had been laid out and everything was in readiness to begin construction, it was found that the available funds would not go far toward defraying the necessary expense. An effort was made to float a foreign loan, but it proved futile. As a last resort Washington wrote a personal appeal to Maryland to aid the federal government in its endeavors to house the machinery of the central government. In response to Washington's appeal Maryland, toward the end of 1796, lent the national government \$100,000. This amount was subsequently increased on two occasions, making it \$250,000.

Another feature of Governor Stone's administration was the hearty support that was given by Maryland to Washington during that period when his enemies were making bitter attacks upon him. The Maryland assembly, on November 25, 1795, went on record as being fully in accord with Washington upon all the affairs of his admin-

istration and entirely opposed to those who sought to discredit him. The first president was again subjected to attacks in 1796, and in December of that year the legislature once more expressed by resolution its full faith in Washington. ✓ Governor Stone wrote Washington, under date of December 16, 1796: "I consider it the most agreeable and honorable circumstance of my life that during my administering the government of Maryland I should have been twice gratified in communicating to you the unanimous and unreserved approbation of my countrymen of your public conduct, as well as their gratitude for your eminent services." ✓ Mr. Stone was twice reelected governor, bringing to an end his three terms of one year each in 1797. ✓ After his retirement from the executive mansion, he continued to live in Annapolis with Mrs. Stone, who had been a Miss Couden before her marriage, and their daughter. But he gradually withdrew from public affairs. He died October 5, 1804.





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John C. Calhoun also suggested that the white man should not have one vote more than the colored man of the same political faith. He said that the white man should not have more than one vote more than the colored man of the same political faith. He said that the white man should not have more than one vote more than the colored man of the same political faith.

**MONUMENT OF JOHN HENRY**

**1797-1798**

**Christ Episcopal Cemetery, Cambridge, Md.**





## VIII

# JOHN HENRY

From the very beginning of America's struggle for independence the several states were violently and unreservedly opposed to sectional control. If it had been announced in the closing years of the eighteenth century that England contemplated attempting to resubjugate her American colonies, it is probable that the states in a leisurely sort of way would have appointed delegates to go to the mother-country and seek to convince her of the uselessness of such an attempt. But if a rumor had crept into anyone of the commonwealths that some state or states of another section contemplated assuming rule over it, or even meditated a course that would give them a small control in that particular commonwealth's administration, every man, woman and child of the state conspired against would have risen up instantly and armed for stubborn resistance. It is not strange, therefore, that in the childhood days of the United States the Eastern Shoreman of Maryland should have taken issue with his fellow-statesman on the western banks of the Chesapeake and declared that the Western Shoreman should not have one whit more authority in the direction of the commonwealth's affairs than he. It was the spirit of all Americans that was manifesting itself, for the citizen of the United States regarded as poison the attempt of any body of men to control because of their geographical position. And in the ardent support which was accorded Mr. Henry as senatorial, gubernatorial and presidential candidate there is found at least a tracing of

the determination of the Eastern Shoreman to divide evenly between the two sections control of Maryland's affairs.

John Henry was born at Weston, the Henry home stead, in Dorchester county in the month of November, 1750. His father, Colonel John Henry, represented his county in the legislature. His mother was a daughter of Colonel Rider, an Englishman, who came to America in the early part of the eighteenth century and settled in Dorchester county. Young Henry was sent to the West Nottingham Academy, in Cecil county, where he prepared for college. He then entered the College of New Jersey (subsequently Princeton), from which he was graduated in 1769. He continued his studies in New Jersey and later went to England, where he took up law in the Temple. In England he mingled freely in the best society, and while the war clouds were gathering in his native land, joined in merry debate with the youths of Britain upon the subjects that were being considered very seriously by his fellow-countrymen at home. Mr. Henry sailed for America the year preceding the rupture with England and immediately upon his arrival began to entertain his fellow-countians with the feats of argument which he had performed while engaged in mental battles with the young men across the sea. The manner of the speaker and his culture soon won him the favor of Eastern Shoremen, and he was sent to represent his county in the council hall of Maryland.

John Henry was elected delegate to the Continental congress in 1777 and served in that body from 1778 to 1781. He was again elected in 1784 and continued a member until 1787. He was appointed in 1787 a member of the committee which was to prepare an ordinance for the Northwest Territory. During his first term in congress Mr. Henry was a warm champion of the men who were carrying on the conflict in the fields and also a rather severe critic of the

merchantmen who sought to reap a golden harvest through the pressing needs of the people. He was, first of all, a fearless critic, and both the mercenaries, who were striving to amass fortunes by overcharging the people, and the legislators, who showed little wisdom in the management of the country's affairs, came in for blunt judgment at his hand.

The close of Mr. Henry's service in the Continental congress witnessed an increase of the strife between the people of the Eastern and Western Shores of Maryland as to the division of power which should hold under the federal constitution. The chief concern of the people at this time centered upon the question of the election of two United States senators. On December 9, 1788, members of the state senate and of the house met in joint convention for the election of senators and the absence of unity in the state of Maryland was again manifested, for the Eastern Shore members carried a resolution which required that "one senator should be a resident of the Western Shore and the other of the Eastern Shore." John Henry and George Gale from the Eastern Shore and Charles Carroll of Carrollton and Uriah Forrest from the Western Shore were named. Several ballots were taken before any one candidate received the required number of the votes cast, and then John Henry, having polled forty-two tickets, was declared to have been elected. Mr. Henry was, therefore, the first senator elected by Maryland to a seat in congress. The body then adjourned until the following day, when the names of Charles Carroll and Uriah Forrest were put in nomination for the Western Shore senatorship, and Mr. Carroll was elected. The terms for which the first senators were elected were unequal, one being for six years and the other for only two years. The senators-elect drew for the terms which should fall to each and Mr Henry secured the six-year slip. At

the close of his first term, in 1795, he was reëlected for four years additional, but did not complete the second term, resigning to accept the governorship.

In the election of Mr. Henry as executive of Maryland there is presented further evidence of the struggle between Marylanders on the eastern side of the bay against any endeavor of the Western Shoremen to control the affairs of the state. General Smallwood, an Eastern Shoreman, who served as state executive many years before Mr. Henry, was not chosen to office because of his political faith nor the section of his birth; but solely upon his military record. He represented the sentimental candidate, and as far as political affairs were concerned was a nonentity. But when Mr. Henry was nominated in the closing days of 1797, his candidacy appealed to some people most forcibly because he represented a section, and had been selected by the voters upon the Eastern Shore as a fit subject upon whom to bestow the greatest honor at their command. He had, however, long been a prominent laborer in the federalist party. When the country was called upon to elect a successor to President Washington in 1795 the name of John Henry was mentioned for that office, and he polled two votes in the electoral college; the same number that was given to Washington, who, however, had some time before declared that under no circumstances would he become a candidate for reëlection.

✓ John Henry was elected the successor of Governor Stone on November 13, 1797, on the joint ballot of the two houses. ✓ But he was not altogether to the liking of the entire body of legislators, and some daring opponent of his moved that the words "unanimously elected," customarily entered upon the record when a candidate was unopposed, be stricken from the minutes. In other words, the election was not unanimous; but the majority of the members of

the legislature decided that it should be entered as "unanimous" and refused to grant the requested change in the journal of the legislature. ✓ Governor Henry was in office for but one year. Because of failing health he declined to stand for reëlection. His administration was marked by a thorough reorganization of the militia of the state. ✓ At this time the country was putting on its war paint preparatory to doing battle with its late ally, France. It was stirred to its depths with hatred for the nation to which it had sworn a lasting friendship. Washington, but lately retired from public affairs, was called out of his seclusion and directed once more to lead the American army into action as its commander-in-chief. The people in Maryland and throughout the Union began to build fortifications and to prepare generally for a conflict. And then, when there had been as much excitement as could have been gotten out of an actual war, the bubble was pricked, the war clouds dispersed, and America extended the hand of friendship to France. ✓ On November 12, 1798, Thomas Sim Lee was elected governor of Maryland as successor to Mr. Henry. He declined to serve, however, and two days later Benjamin Ogle was chosen in his stead. ✓✓

John Henry had been married in 1787, to Miss Margaret Campbell, of Caroline county, by whom he had two sons. Like Governor Lee, he left no portrait of himself. He died at Weston, December 16, 1798, after having spent a little more than one month in retirement from the executive mansion. He was buried in the old family burial ground at Weston. In 1908 his body was removed to Christ Episcopal Cemetery, Cambridge, Md., and over his grave a fitting memorial monument was erected by his descendants.

## IX

### BENJAMIN OGLE

When the legislature, in 1798, undertook to provide a successor to Governor Henry, its choice first fell upon Thomas Sim Lee, who had already had two administrations of three and two years, respectively. Governor Lee was at this time the strongest federalist that Maryland afforded, but he declined to serve again as the executive of the state. The legislature had several times been forced to accept a declination from one who had been chosen to the high office of governor, and invariably after one of these humiliating experiences it sought out a less conspicuous citizen upon whom to bestow the honor. On November 14, 1798, therefore, the senate and house in joint session presented the names of two men who had not won great fame theretofore in the affairs of the commonwealth, and Benjamin Ogle and Nicholas Carroll were nominated for the office of governor. The interest—or lack of it—that was manifested by others than the assembly members and the two candidates in the result of this election is indicated by an item in the federal Gazette of Baltimore, Thursday, November 15, 1798, in which announcement is made that: "A gentleman from Annapolis has politely handed us the following correct elections by the general assembly of governor and council—Benjamin Ogle, governor; Messrs. Shaaf, Davidson, Thomas, Brice and Wilmer, council."

Benjamin Ogle, the successful candidate, was a son of Samuel Ogle, whose name occupies much space in the colonial history of Maryland, where he is recorded as one of the proprietary governors and a man of much independence

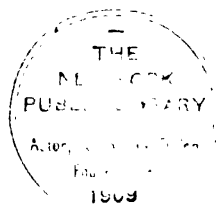
**BENJAMIN OGLE**  
1798-1801.

Wm. J. Longfellow





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and courage. Benjamin Ogle was born at Annapolis on February 7, 1746. He had not, however, reached an age when the great drama being acted before his eyes would be intelligible to him when death brought to a close his father's participation in American affairs. Although his grandfather, Benjamin Tasker, succeeded to the direction of the state's government, young Ogle was early sent to England to receive his education, and in this way was denied any part in the bitter discussions that tore asunder the people of America and the representatives of the English authorities just before the Revolution. When he returned to America he immediately began to play a part, though a modest one, in the affairs of Maryland. He was a member of the council and also served upon a county committee of observation, but he attracted no great amount of attention through either position. During the years of the Revolution he occupied a rather inconspicuous place in Maryland affairs, generally holding aloof from the stirring events of those stirring years. He first came into real prominence in the government of the commonwealth when he was elected state executive in 1798.

✓The feature of Governor Ogle's administration that assumed the greatest importance was the widening of the chasm between federalists and republicans. ✓Mr. Ogle's governorship did not witness a pitched battle between these two political forces, except in so far as the legislature selected as his successor one who was allied with the republican party. But the years during which Benjamin Ogle was executive witnessed a disastrous blow to the political adherents of the federalistic faith in the loss of Washington. It has been asserted that but for the large influence of Washington the constitution of the United States would not have been adopted by Maryland. The assertion is, perhaps, a bit extravagant; but it must be admitted that no other man

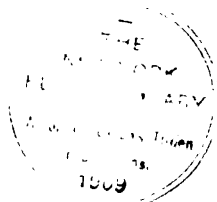
inspired the people of Maryland and of the other states with confidence in the proposed constitution to such an extent as did Washington. The name of Washington was the watchword of the federal party. His death, therefore, was an enormous misfortune to the members of his political faith. As long as the party leaders had his name to parade before the people when the public's confidence wavered, so long were they able to cope with the attacks of their enemies. But when the influence of Washington's name as a political factor was lost, and at the same time the strength of the republicans began to assert itself more positively, then the people of the country generally—except, of course, the more optimistic republican leaders—became greatly alarmed. From one end of the nation to the other the people lost confidence, and the preparations of the republicans to strive after control of affairs in states and nation were regarded as presaging the downfall of the American republic.

When the death of Washington was announced, Governor Ogle, in compliance with the request of the general assembly, issued a proclamation, December 18, 1799, suggesting that "the eleventh day of February next be observed throughout this state as a day of mourning, humiliation and prayer for the deceased; that the citizens on that day go into mourning and abstaining, as far as may be, from their secular occupation, devote the time to the sacred duties of religion; that they call to mind the virtues, public services and unshaken patriotism of the deceased, and admiring, endeavor to emulate them; that they implore the Most High God to supply his loss by inspiring them with a love of true liberty and pure religion, and by dispensing the blessing of peace and knowledge throughout the land; and that He would grant to the people of this and the United States, that the wisdom and virtues of a Washington may never cease to influence and direct our public councils."

Maryland's history in the closing years of the eighteenth century reflects in no uncertain way the conflict which was on between the federalists and the republicans, and the alarm caused by the latter's doctrine that the people should not regard as paramount in a man's fitness to direct public affairs the question of either birth or wealth. ✓ This conflict did not reach its full blossom until the early part of the nineteenth century, but the years that were covered by the administration of Governor Ogle witnessed preparation for battle, the alignment of opposing forces; it was the eve of a political war in America for advancement along republican lines in government. ✓

Governor Ogle was, in a way, the last of the old-time federalist executives. He held office while the republican forces under Jefferson were striving, and with success, to oust the federalists from control of national affairs. He was in office while the leaders of Maryland were assembling their followers for a like struggle within the state. But he was unmolested by either conflict. ✓ He represented the federal party, yet his administration, while not noteworthy for any advancement which he sought or helped to engineer, was sufficiently conservative to be inoffensive to the legislature, no matter how its political complexion might be changing. The greatest praise, perhaps, that can be accorded him as state executive is that of having held office for three years without permitting the rancor that was rampant throughout the country to reach the garments of the chief magistrate, ✓ and, when the bitterness and excitement of the period is borne in mind, this accomplishment need not be regarded as insignificant. After the close of Ogle's administration, in 1801—when he was no longer eligible for reelection because of the constitutional proviso which restricted the state executive to three terms of one year each—he retired to his estate, Belair, where he spent

his remaining days. Governor Ogle was twice married, Miss Rebecca Stilley and Miss Henrietta Margaret Hill being his first and second wives, respectively. He died on July 6, 1809, in his sixty-fourth year.





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## JOHN FRANCIS MERCER

It is a common practice of American historians to trace the downfall of the federalist party to a host of contributory causes, all of which are made to appear fairly plausible, but none of which is absolutely conclusive. The weak spot of the federal party was not its political doctrines so much as its social decrees; and when the enemies of the federalists beheld the vulnerable spot in their opponents' defense they threw their whole strength against it and won success. In the Maryland constitution, as adopted in 1776, the right to vote was confined to those who were above the age of twenty-one and possessed real or personal property to a specific amount. A candidate for member of the house of delegates was not eligible unless he owned property to the value of £500; a candidate for the state senate had to possess at least £1,000 in his own right, and the office of governor was not open to those who were not independently rich. The struggle of the republicans (the founders of the present democratic party) against the federalists was for a complete revision of this method of prescribing who should enjoy the elective franchise and hold public office. In 1801 the leaders who were striving for reforms, for a winning of America from aristocracy—toward which it was trending—to republicanism—for which they felt the blood of her sons had been spilled—succeeded in gaining control of the executive mansion, and with the beginning of republican rule in Maryland was inaugurated a campaign against these unrepublican laws in the matter of governing the commonwealth. But the election of a

republican governor to succeed Mr. Ogle represents more than a turning from aristocratic principles; it is significant as showing how the political leaders of the state were substituting for a blind reverence of all things federalistic a practical appreciation of things meritorious. The federalists, in the day of their glory, scornfully cast out those who were not of their way of thinking. The proposed federal constitution had not pleased all the intellectual giants of the land; but it pleased the majority, and this majority arrogantly ignored the views of the minority. Mr. Mercer, the new chief magistrate, however, was not only a man who at the time of his election stood for republican doctrines, but one who, in the days before the adoption of the constitution, had strongly opposed that instrument.

John Francis Mercer was born at Marlborough, Stafford county, Va., on May 17, 1759. He was the son of Robert and Ann (Roy) Mercer and grandson of Robert Mercer, Sr., who emigrated to Virginia in 1740. He received what in those days was considered a liberal academic education, being graduated from William and Mary College in 1775. His father planned to have him prepare for the legal profession; but the oncoming storm that was to free the colonies interfered. As soon as war became inevitable, young Mercer cast aside his books and sought an opportunity to take up arms against England. Early in the year 1776 he announced his intention of joining the Revolutionary forces, and on February 26, 1776, was commissioned lieutenant in the Third Virginia Regiment. He took part in the battle of Brandywine on September 11, 1777, when he was slightly wounded. In the same month he was promoted to captain, his commission dating from June 27, and the following year he became attached as aide-de-camp to the staff of the ill-fated and ill-humored Charles Lee.

Under Lee he was in the battle of Monmouth, June 28, 1778, when his chief willfully disobeyed the orders of Washington and by his conduct left the commander-in-chief no alternative but to have him court-martialed. Despite the disgrace of General Lee, Mr. Mercer stood faithfully by him, and when the former was suspended for a year and finally deprived of his commission his aide in sympathy surrendered his own commission and returned to his home in Virginia. But Mercer did not long remain in retirement. Upon his return to his native state he set about recruiting a regiment of horse soldiers, which he equipped at his own expense, and then offered their services to the Continental army. He was commissioned lieutenant-colonel and his regiment was joined to the brigade commanded by Gen. Robert Lawson. In this command Colonel Mercer saw service at Guilford, N. C., as well as in other engagements during the dismal southern campaign. He later joined Lafayette, with whom his regiment remained until the termination of hostilities.

After the war Mr. Mercer returned to Marlborough and began to study law. While studying he came in close relations with one who in later years exerted a remarkable influence over his career. His preceptor was Thomas Jefferson, and at the feet of the founder of democratic principles in America Mr. Mercer learned not only law, but also the true meaning of republicanism as differentiated from that policy of aristocracy which at first shaped affairs in the United States, and throughout his life he continued a faithful disciple of Jefferson. In 1782 Mercer was elected a delegate from Virginia to the Continental Congress, and served in that body until 1785. At this time a new influence came into his life, which was responsible for changing the scene of his activity from the Old Dominion to Maryland. Miss Sophia Sprigg, the daughter of a promi-

nent resident of Anne Arundel county, became Mrs. Mercer, and the couple "set up house" at the home of the bride, Cedar Park on West river.

Mercer was not long in Maryland before he found a loop-hole through which to effect an entrance into the political circles of the state. He had attained sufficient prominence by a little more than a year's residence in the county to be sent as a delegate to the convention which framed an instrument for the government of the states to supersede the unsuccessful articles of confederation. This was in 1787; Mr. Mercer, however, with other opponents of a centralization of governmental authority, fought bitterly against the proposed constitution. When these opponents found their voice did not prevail and that the majority of the members of the convention ignored their protests, they withdrew from the convention. With the bolters, besides Mr. Mercer, were Luther Martin, of Maryland, and George Mason, of Virginia. Martin, as the attorney-general of Maryland, appeared before the state convention appointed to consider the proposed federal constitution, and in an eloquent speech set forth all the weak points of the instrument. But despite the protests of Martin and Mercer, Maryland, in 1788, ratified the constitution. Although Mercer had opposed the constitution, he appeared as a candidate for the national house of representatives in the first election held under that instrument. In this election, held in January, 1789, Mr. Mercer was not announced as a republican—for the republican party had not then been formed—but came before the voters as an anti-federalist. As was to have been expected, all the successful candidates were supporters of the recently ratified constitution, but Mercer did not make as unfavorable a showing as might have been expected when his action in the constitutional convention is borne in mind.

Three years later, 1792, Mr. Mercer was chosen a member of the state legislature, and shortly afterward he was sent to congress, being named to fill the unexpired term of Representative William Pinkney, resigned. He served in the house of representatives from February 6, 1792, to April 13, 1794. From this latter date up to the beginning of the nineteenth century Mr. Mercer did not occupy official position, but labored faithfully in Maryland in the interests of a reform in the governmental system. The federal party continued in control of the state's affairs until 1801, though for many years every inch of its way was contested. Finally, the republican party succeeded in gaining a foothold in the house of delegates and a large enough representation in the state senate to elect John Francis Mercer as governor, November 9, 1801. Governor Mercer served two terms of one year each, being reelected in 1802. His administration is noteworthy for radical reforms in the governmental institutions of Maryland. But the chief of these reforms must of necessity lose much of its significance to the reader of today, who has been reared in an atmosphere where the vote of the poor man is supposed, at least, to equal that of the citizen of wealth in the choosing of legislators. The day when only aristocrats were the voters and office-holders and custom-takers are so far removed that in the distance nearly all of the detail is lost. But it was that political organization whose representative—Mercer—was in the executive chamber which first gave to Marylanders real equality.

In 1801 the same general assembly which elected a republican governor passed a bill—originating in the strongly republican house—by which the right to vote was given to "every free white male citizen of this state \* \* \* above twenty-one years of age, having resided twelve months in the county next preceding the election at which he offers

to vote." This law opposed the practice of confining the elective franchise to those citizens who possessed freeholds of at least fifty acres of land. This one attainment of the Mercer administration so completely overshadows all other things that it assumes the aspect of being the one feature of importance.

Governor Mercer was succeeded in 1803 by Robert Bowie, another republican, and returned to his estate, Cedar Park. For some years thereafter he lived in retirement, looking after his personal interests. Subsequently, however, he served on several occasions in the state legislature. When the agitation for a second war with England was in progress, Mr. Mercer sided with the federalist party, inasmuch as he was opposed to the conflict. He framed a petition calling upon congress to use its influence to prevent an outbreak of hostilities and secured thereto many signatures, but the paper never reached the hands for which it had been intended. The ex-governor went to Philadelphia in 1821 to consult with physicians there regarding an affliction from which he was suffering. But the journey proved futile. He died in Philadelphia on August 20, 1821, while under treatment.







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A white, abstract, wing-like shape, possibly representing a bird in flight, is positioned diagonally across the center of the image. It has a soft, ethereal quality with some internal texture. The background is a solid, slightly grainy blue.

ROBERT BOWIE  
1803-1806; 1811-1812

## ROBERT BOWIE

Certain apologists, performing for a season the duties of historians, have sought to read into the early state history of Maryland naught but what is admirable, patriotic and sublime. While the sentiments which actuated them are undoubtedly noble, their performances have frequently done less to excite favorable regard than would have been the case had they been critical instead of worshipful. It is possible, for instance, for the highly imaginative to see in Maryland's partial opposition to the second war with England only an all-controlling love of peace and concord; but it is more in accord with the facts to remember, when approaching that period of the state's history which parallels the war of 1812-15, that many of the leaders who denounced the conflict did not love peace and concord one-half so much as they did their own pet theories, which they were trying to saddle upon the people. Again, it is possible for the apologist to find certain credulous followers when he explains away the several mob outbreaks at this time by charging them to a foreign and ruffian element; but the Baltimore mob, which gave evidence of the criminal extremes to which uncontrolled patriotism may go, was in truth very representative of a large portion of the population of Maryland in the closing years of the eighteenth century and in the first part of the nineteenth century. These men in their day indulged in public ceremonies, which, if practiced today, would create considerable doubt as to the sanity of the participants. Publicly to burn effigies and portraits of those who had fallen under the people's dis-

pleasure was a common practice, then given all the formality of a state ceremony; and the same men whom some historians seek to make so serious and lofty-purposed went further, and took part in the public interment of the ashes of such effigies and likenesses after they had burned them. This lack of proper restraint is not dwelt upon to disparage the people of Maryland of a century ago, but rather as a means toward understanding fully the actions of certain leaders of that time. It intensifies the light which existing chronicles throw upon the life of the first Governor Bowie, for without the background of excessively enthusiastic partisans and of the general wild delirium of his time Mr. Bowie might be unjustly discounted because of some peculiar traits which he displayed on certain occasions and which were really characteristic of his time.

Robert Bowie, third son of Capt. William and Margaret (Sprigg) Bowie, was born at Mattaponi, near Nottingham, Prince George's county, in March, 1750. He attended successively the schools of Rev. Mr. Eversfield, near his own home, and of Rev. Mr. Cradock, near Baltimore. But in his youth he gave first thought to romance and things romantic, and was daring enough to put his visionary theories into practice early by eloping with the daughter of Gen. James John Mackall, Priscilla, who, when young Bowie discovered her attractions, was not yet fifteen years of age, while her impulsive swain was just past nineteen. With the rashness of youth they married immediately; the union fortunately revealed in later years the unconscious wisdom of the principals. Bowie's father presented him a house and lot in Nottingham and also a farm on the outskirts of the village, and in 1791, when the elder Bowie died, the son inherited the paternal estate of Mattaponi, where he usually spent his summer months.

Bowie was twenty-four years of age when the Freeholders'

convention at Upper Marlboro, in November, 1774, placed him on a committee to carry into effect the resolutions of the Continental congress. On September 12, 1775, he, with certain others of his fellow-countians, was instructed to enroll a company of "minute men," and early in 1776 Mr. Bowie was commissioned first lieutenant of a company of militia organized in Nottingham. He was promoted to a captaincy on June 21, 1776, and accompanied the Maryland forces when they joined Washington in his early campaign near New York. Captain Bowie took part in several of the important battles of the Revolutionary War, and, although he won no great glory, he always displayed good judgment and courage. When a treaty of peace was patched up between England and her former colonies, Mr. Bowie returned to his county and sought fresh excitement in politics. Despite his long absence, he soon won enough support to be sent to the house of delegates. On October 15, 1785, he was elected a member of the lower house of the general assembly, and he was reelected five times consecutively.

Then there was a break of ten years in Bowie's political service, during which time, however, he filled the post of major of militia and also that of justice of the peace in Prince George's county. When Maryland began to experiment with things democratic, Mr. Bowie was again given a place in the council halls, being in the lower house of the general assembly from 1801 to 1803. During this period Governor Mercer, the first republican state executive, directed the affairs of the commonwealth, and his administration witnessed a breaking away from those old ideas which denied to a man who had not been born in a silk-stocking or fat-pursed family the capacity for thinking or acting upon affairs of government. But the pendulum of public sentiment was not to pause halfway between the extremes of federalism

and democracy. Mercer was not radical enough for the masses who then, for the first time, were feeling the effects of equality theories which they had freely imbibed until they were in a state of intoxication. Mercer was democratic, but he was not radically democratic, and therefore the people clamored for someone who should stand for radicalism and Mr. Bowie seemed the man.

On November 17, 1803, the general assembly cast a majority of its votes in favor of Mr. Bowie as successor to Governor Mercer. At this time he was a member of the general assembly, but on the following day he presented his resignation to the house of delegates that he might assume charge of the gubernatorial office. Governor Bowie was reelected for a one year term in 1804 and again in 1805, which made his first administration cover the period from the fall of 1803 to the fall of 1806, the full three years for which he was eligible. The first Bowie administration was noteworthy on account of two national events of moment. The one was the reelection of Thomas Jefferson. The other was the beginning of foreign interference with American commerce. While the European nations had been engaged generally in warring with one another, the maritime interests of the United States had grown considerably, until the new nation came to assume a position of no little importance in the commerce of the world. As soon, however, as England and France laid aside their weapons of war long enough to realize that a commercial competitor had arisen, there was born a determination to crush the shipping industry of the United States by whatever means would produce most quickly the desired results. Thus began the depredations of the mother country upon the commerce of her late colonies, and on this hinged the War of 1812-1815, as well as the bitter conflict to the death between the federalists and the republicans. Although the full effect of this



conflict between the two political bodies that came to pose as the "war party" and the "peace party" was not felt until some years after the close of Bowie's first administration, nevertheless the widening of the gap between these two organizations bore fruit during his initial service as governor in a struggle which resulted in the impeachment of Judge Samuel Chase—as strictly partisan a bit of work as the bringing to trial of Andrew Johnson at the close of the Civil War, and fully as undignified a proceeding.

After his retirement in 1807, Governor Bowie was appointed a justice of the peace. The following year he was named as a member of the levy court of his county, and he was a presidential elector in 1809, for Madison. But it was not until the year 1811—the eve of the second war with England—that he once more came into prominence as the state champion of the republican party of Maryland. The federalists were then fighting bitterly against the advocates of war with England, and the federalists, while not in control of the state affairs, were still a considerable factor in Maryland politics. The party was strong enough to defeat Bowie when he was brought forward as a candidate for senatorial elector, but the republicans had a strong hand in the general assembly and succeeded, on November 11, 1811, in again electing him chief magistrate. At this time there were practically only two political divisions in the state and the distance between the two was vast. The federalists were, with few exceptions, against a declaration of hostilities with England. The republican party, almost unanimously, was for war.

In June, 1812, congress declared war, and the news, reaching Annapolis, fired the heart of the "war" executive. The Annapolis Gazette of that date records that "the Governor was so rejoiced when he heard the news that he did not wait for his hat, but proceeded through the streets

bareheaded to the state house, where he congratulated the leaders upon the welcome news." When the governor of the state could show such uncontrolled enthusiasm, it is not to be wondered at that the less cultured people of the state who were of his own political faith should also have been deeply stirred. Throughout Maryland the supporters of Bowie were aroused to a high pitch of excitement. Unfortunately, at this very moment the editor of a Baltimore paper was indiscreet enough to print an article that angered those against whom it was directed. It was a red rag cast before the face of an already maddened bull, and the bull, true to his nature, gored the tormentor. The people of the city turned out and killed a few federalists and beat a few others, and then returned home to gloat over the fact that the nation had actually entered upon a foreign war.

It was this excess of the republicans that did most at that time to take from them their lately acquired power in Maryland affairs. Since the governor was a republican and the members of the Baltimore mob were republicans, the inference was made that the deeds of violence performed were not altogether distasteful to the state's executive. Bowie was requested to apprehend the instigators of the riot, and because he failed the federalists accused him of shielding criminals. Whatever blame was chargeable to Bowie, either for the uprising against the federalists or for the escape of their assailants, he was made to suffer greatly for the affair. The most positive result was the terminating of his political career, for thereafter, although all his energies were concentrated upon a series of endeavors to regain his former hold upon the political machinery of the state, he was not a considerable factor in Maryland. At the close of his term he was succeeded by a federalist, Levin Winder.

From 1812 until his death Mr. Bowie fought to be returned to the executive chair, and in his endeavors he was ably seconded by the unbroken rank of the republican party. In 1813 and again in 1814 he opposed Winder and 1815 and in 1816, he was the republican candidate against Ridgely, federalist, but at all of these elections his followers were unable to count enough ballots to bring him the coveted vindication. In 1817 an effort was made to elect him United States senator, but once more the labors of his followers were futile. He was a man of remarkable determination, as is shown by his unceasing struggle to regain his authority in the state, and he was a man who held unwaveringly the confidence of his fellow-men, as is attested by the continued support of his followers despite repeated defeats. What his tenacity and the hearty support of his friends might have finally accomplished for Bowie must forever remain an unsolved problem, for in the winter of 1817 he was attacked by pneumonia, which resulted in his death on January 8, 1818.

## ROBERT WRIGHT

A source of no little bewilderment to the average reader of early national history is the almost endless array of "great" statesmen who then administered the affairs of federal and state governments. Every commonwealth, according to the chroniclers of its early state history, would appear to have contributed an amazingly large quota of masters in the art of statecraft, so that it may seem as if the bulk of genius for statesmanship that has been cultured by American soil was concentrated in the half century beginning about 1765. But this apparent disproportionateness between the ratio of "great" statesmen to the population a hundred or more years ago and today does not really extend beneath the surface of things. The reader who follows history as a pastime rather than as a study must keep fully in mind two conditions which have tended to give undue prominence to the labors of the early participants in public affairs in Maryland and the other sections of the United States. The first of these conditions is the result of a practice of American historians in general, which may be regarded as either a crime or a virtue according to the views of the individual, of stressing unduly all early history and slighting indiscriminately all later history. The second condition which has tended to exaggerate the importance of national and state laborers of early years in American affairs is a natural one. The extent of the nation from north to south was almost as great in those years as it is today, while the borders stretched far to the westward. At the same time there had not been introduced any modes

ROBERT WRIGHT

1806-1809

## CHAPTER I

THE first thing that I noticed when I stepped out of the train at the station was the cold. It was a sharp, biting cold that seemed to penetrate my coat. I shivered and pulled my collar up around my neck. The station was empty except for a few stragglers, and the air was thick with the smell of coal smoke and the distant sound of the city.

I looked down at my hands, which were numb from the cold. I had just received my first job, and I was supposed to start today. The excitement of the new beginning was quickly being replaced by the harsh reality of the winter weather.

I walked towards the entrance of the factory, my breath visible in the cold air. The factory was a large, imposing building with many windows, some of which were already lit up. I felt a sense of awe and anticipation as I approached the entrance.

The door was open, and I stepped inside. The interior was warm and filled with the sound of machinery. I was greeted by a man in a dark coat who led me to a small room where I would be staying. I felt a sense of relief and comfort as I stepped into the room.

The room was small but cozy, with a single bed and a small table. I sat on the bed and looked out the window. The city was visible in the distance, its lights reflecting on the snow-covered ground. I felt a sense of hope and optimism for the future.

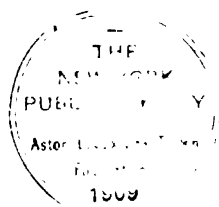
I had found a place to live, and I had a job. It was a start, and I felt that I was finally taking control of my life. I looked at my hands again, which were now warm and comfortable. I smiled and turned off the light, ready to sleep.

The next morning, I woke up early and got ready for work. I put on my coat and hat and stepped out into the cold air. The city was still covered in snow, and the air was crisp and clear. I felt a sense of purpose and determination as I walked towards the factory.

I arrived at the factory and was greeted by the same man from the previous day. He led me to the entrance of the factory and showed me the way to the work area. I felt a sense of accomplishment and pride as I stepped into the factory.



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of rapid transportation, and, therefore, figuratively speaking, the expanse of the United States was greater a century ago than in 1908, for in the mind of the average early citizen Boston was farther removed from Baltimore than is San Francisco today. In addition to this, the land was sparsely populated, and these two natural circumstances were bound to dilate in the eyes of the masses the importance of any residents in their own neighborhood who attained to even a small degree of prominence in strictly local affairs.

Some readjustment of the standards of measurement is essential before approaching the public career of Governor Wright, who succeeded Robert Bowie, so that the true worth of his services to state and nation can be ascertained. Mr. Wright was, first of all, a man free of shams and one who did not indulge in heroics for the applause of the gallery. He was, at the proper time, as much a cavalier as any of his fellow-citizens, and countenanced the meeting of two men upon a field of honor to engage in shooting at one another's anatomy. He was also, at the proper time, as ready as any of his fellow-citizens to engage in popular discussions of the day, but, not altogether in keeping with the majority of his fellows, he made such debate a battle of arguments and well-thought-out conclusions instead of a word-juggling exhibition with flowers of speech and mock sentiments. He was, nevertheless, both a rhetorician and an orator. In brief Mr. Wright possessed to a very considerable degree the qualities of a statesman, though it were wrong to class him as a "great" statesman both for truth's sake and the fact that the term has been so long abused in connection with those not richly endowed, that it means decidedly less than simply statesman.

Robert Wright was the son of Judge Solomon Wright, whose ancestors for several generations back had been prominent in the affairs of Queen Anne's county and the Eastern

Shore of Maryland. Judge Solomon Wright served his county in the Maryland conventions which met during the period from 1771 to the beginning of the Revolution, and was a member of the first court of appeals of the state, and so continued till his death. Robert Wright was born on November 20, 1752. He received his preparatory training at such schools as his native county afforded, while the finishing touches to his academic education were obtained at Washington College. Subsequently he studied for the bar, and was about to set up as an attorney in Chestertown when the American colonies took up arms against the mother country. He promptly joined Capt. James Kent's company of Queen Anne's "minute men," and took part in a short campaign against Lord Drummond's legion of tories in Virginia. Subsequently he was commissioned second lieutenant in the militia, and later by resolution of congress was made a captain in the Continental army, in which capacity he served at Brandywine, Paoli, and other battlefields. That his military performances were creditable may be taken for granted, since the later career of the man proved his spirit of thinking no duty too small to be performed well; but had he been dependent upon his military exploits alone for fame, his name would have been honored by no greater recognition, perhaps, than that of being printed upon the carefully guarded and seldom read records of the Continental forces. Although Mr. Wright was not a signal success as a military leader, he had coursing through his veins that old spirit of militarism which fostered the duello. On one occasion he had a disagreement with Edward Lloyd, who in after years became prominent as a legislator and was elected as Wright's successor in the gubernatorial office. The disagreement led to a challenge. In the duel which followed, neither principal, fortunately, was fatally wounded, but Mr. Wright for some time thereafter limped in public and in private nursed a bullet hole in his toe.

Governor Wright began his political career early in the eighties. About this time he was married to Miss Sarah De Courcy, the daughter of Col. William De Courcy, a man of prominence in colonial days. From the close of the Revolution up to the first year of the nineteenth century Mr. Wright was several times called upon to serve his county in the general assembly. In accordance with the required qualifications of candidates for the legislature he was presented by his father with 250 acres of land, which remained in his possession throughout his lifetime. This, together with some 1750 additional acres of his landed property was skillfully managed by him, for he was a student of agriculture and a breeder of the thoroughbred horse and other animals.

✓ Governor Wright's services as a member of the legislature were sufficiently meritorious to win for him a seat in the senate of the United States in 1801. It was at the time of the republican upheaval, and Mr. Wright won office as one of the forerunners of the great republican party, which in later years was changed in name if not in principle and became the democratic party of the United States. The term for which he was elected senator was for six years, or from 1801 to 1807. It was, however, while serving in the upper house of the national legislature that he was chosen governor of Maryland. This was on November 10, 1806, and he promptly resigned his seat in the senate. ✓

In accepting the gubernatorial office Wright sketched as comprehensively as possible his stand upon great national issues during the years that he had been in congress. "I have most cordially coöperated," he said, "with a virtuous administration in promoting the best interests of our common country; in repealing such laws as imposed odious and unnecessary taxes on our fellow-citizens; in restoring the national judiciary to the state it had obtained in the time of our Washington; in the purchase of Louisiana, and there-

fore extending to our western brethren the great advantages of the important port of Orleans, and the navigation of the Missouri, with all its tributary streams; in the measures adopted to acquire the Floridas that the American empire might be consolidated and a risk of collisions with a colony of Spain avoided; in the cultivation of the arts of peace with all our foreign relations, with temper and good faith; in an honest neutrality with all the belligerent powers, and in an exact discharge of every duty imposed on us by existing treaties or by the law of nations, and in the laudable attention that has been paid to our native brethren, the savage tribes, in instructing them in the culture of the soil and domestic manufactures, and thereby inducing them to convert their scalping knives into pruning hooks and their tomahawks into implements of husbandry, and both by precepts and examples teaching them to prefer the pacific olive to the bloody laurel."

The affairs of the state executive department were directed by Governor Wright for almost three years. He was elected in November, 1806, and reëlected in 1807 and 1808. During this period the most important task performed by the executive office was the preparation of the state for the conflict with England, which was then threatened. The governor stood firmly by the administration of President Jefferson, and when the founder of democracy declined to become a candidate for a third term Governor Wright, with other followers of the president, sought to influence him to reconsider the matter. During the third year of Governor Wright's administration a judicial post that he had long coveted became vacant, and in the hope of being elected judge he resigned the governorship. Early in May, 1807, James Butler issued a proclamation as acting governor, in which announcement was made of the resignation of Mr. Wright on May 6, and a session of the legislature was

called for the election of a successor. Governor Wright was entitled to serve until November of the year in which he resigned, but realizing that he would then be ineligible for reelection, and hoping to obtain the desired judgeship, he let go the bird in hand for the two in the bush. But the latter were not captured then, though many years later Mr. Wright was appointed an associate judge in the district of which his friends had hoped to make him chief judge.

In 1810 Mr. Wright was elected to congress, this time serving in the lower house, where he continued until March 3, 1817. He was again elected in 1820, to the house of representatives and served for one term of two years. It was then that he finally gained an appointment as judge of the district court for the second judicial district of Maryland, which gave him jurisdiction over Cecil, Kent, Queen Anne's and Talbot counties. In this position he continued until his death. Governor Wright was married twice, the second Mrs. Wright having been a Miss Ringgold, of Kent county, by whom he had one child, who was named after Lafayette. Governor Wright died at Blakeford, on September 7, 1826, and was buried at Chestor-on-Wye, a homestead of the De Courcy family from different branches of which came respectively his paternal grandmother and his first wife.

## EDWARD LLOYD

For the first thirty years of Maryland's statehood the executive mansion was filled by citizens who had witnessed the American colonies' struggle for independence. These governors had nearly all taken some part in the Revolution. Such men as Johnson, Paca and Lee, had not only followed the rupture between the mother country and the colonies from its beginning, but had also taken part many years before the Revolution, in those contests which presaged serious trouble for England should she persist in ignoring the rights of the colonies. Of course not all of the state governors during these first thirty years had played as large a part in Maryland's last years as a colony as did Johnson, Paca and Lee, but their lives extended well back into colonial times, and they had come to be looked upon by the people as charter members of the commonwealth of Maryland. For this reason when the reader turns from the administration of Robert Wright to that of his successor he feels that he has advanced well into the life of the American Republic, and that Maryland in 1809 was no longer in its infancy as a state. Mr. Lloyd, who followed Governor Wright in office, was not a Revolutionary character, for it was not until well into the struggle that he was born. He is, therefore, the initial member of a new class in the gallery of Maryland governors.

Edward Lloyd—the fifth of that name in Maryland history—was born at Wye House, Talbot county, July 22, 1779. At that time the American Revolution had entered upon its fourth year, while the state government of Mary-

**EDWARD. LLOYD**

**1809-1811**

EDWARD

EDWARD

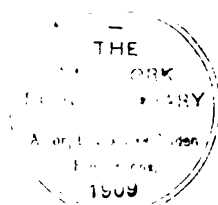
1800-1801

EDWARD





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land had been in existence for almost as many years and Governor Johnson was bringing to a close the first administration. Although the ancestry of the average man may not be of as much importance as the genealogically inclined would make believe, the family connection of Governor Lloyd is of considerable moment in a study of his public career, since it was, perhaps, due more to the family that he represented than to himself that he was so early in life afforded an opportunity to enter the public service. The father of the governor had been active in Maryland affairs during the years preceding the War of Independence, and was a member of the body which framed for the state its first constitution. The Lloyds were typical of the old southern landed families which during colonial and early state years exerted almost dictatorial authority in the state. The family in intellectual equipment was far above the average and in addition was possessed of the means which gave it, in the regard of the less fortunate citizens, the right to direct.

Edward Lloyd—the governor—was given such early training as could be provided for the sons of the better class of Marylanders. He went to a private school and studied under tutors until he had acquired sufficient knowledge to begin his public career. The real training of the man, however, was gained not at school nor from books, but by coming in contact with thinking men and in pondering over questions of public import. Mr. Lloyd was practically reared in public life. He was sent as a delegate to the state legislature in 1800. At that time he was just twenty-one years of age, or barely within the borders of the constitutional requirements. He served in the house of delegates from 1800 to 1805, and during that period his labors developed his talents and widened his popularity in his own section. His supporters determined to enlarge the scope of his ser-

vices and he was elected a member of the house of representatives to fill the unexpired term of Joseph Hopper Nicholson, who had resigned upon being appointed judge of the Maryland courts of appeals. Mr. Lloyd's services in the lower house of the national legislature began in 1806 in the ninth congress. He was reelected a member of the tenth congress, but his congressional career was brought to a close by his election as the successor of Governor Wright, who had resigned the governorship in the hope of being elected chief district judge of Maryland. Governor Wright, gave up his office in May, 1809, and the general assembly, which was convened in extra session to choose a new executive, elected Mr. Lloyd governor on Monday, June 5, 1809. The election was for the unexpired portion of Governor Wright's term—to November, 1809. And Mr. Lloyd was twice reelected for one year terms in November, 1809, and November, 1810.

His occupancy of the gubernatorial office witnessed the repeal of the embargo act, which had been passed while Governor Lloyd was a member of congress. During his administration a notable victory was scored for republicanism. This triumph was the granting of the elective franchise to the people regardless of the question whether or not they were possessed of real estate or personal property to a considerable extent. The free ballot act, which repealed all property qualifications, was confirmed by an act of 1809—the first year in which Mr. Lloyd was executive of the state. During Governor Lloyd's administration the two leading political parties seem to have been fairly well divided in Maryland. The balance of power—although the republicans had for some time controlled the gubernatorial office—did not seem to remain long with either party, and it was around the beginning of the second decade of the nineteenth century that the federalists regained direction

of the state machinery and held it for several years. At almost the same time that Mr. Lloyd, a strong republican, was chosen as the successor of Governor Wright, Levin Winder, who subsequently became the federalists' governor of Maryland, was elected speaker of the house of delegates. This difference in sentiment between the legislative body and the executive department upon the leading question of the day suggests in a measure how far from harmonious were the public affairs of Maryland during the years that Governors Lloyd and Bowie were in office.

At the close of Mr. Lloyd's governorship he was elected a member of the state senate. In that body he heartily supported the administration of President Madison, and was bitter in his opposition of all measures conciliatory toward England. He was a presidential elector in the campaign of 1812, and cast his vote for James Madison for a second term. The republicans, after having been out of power for several years in Maryland, were able to resume control of affairs toward the close of the second decade of the nineteenth century. One of their first moves was the election of Edward Lloyd as a member from Maryland to the United States senate. Mr. Lloyd was elected in 1818 for a term of six years, and at the close of this term, or in 1824, he was reelected for a like period. This would have carried his services in the senate over from 1819, when his term began, until 1831. In 1826, however, he resigned his seat and retired to private life. But in the same year he was elected to the state senate and served in that body from 1826 to 1831, part of the time as president. He died at Annapolis on June 2, 1834, in the fifty-sixth year of his age. He was, according to the Baltimore Patriot "as remarkable for the munificence of his private hospitality as for his public spirit."

In his home life Governor Lloyd was the typical Mary-

land gentleman. He had been married on November 30, 1797—when just eighteen years of age—to Miss Sally Scott Murray, daughter of an Annapolis physician, and with advancing years the home circle was enlarged, for Mrs. Lloyd bore her husband a large and distinguished family. In his native district Mr. Lloyd was held in high esteem by his neighbors, and he lived, amid luxurious surroundings, the life of a manor lord. And yet of his whole life the most noteworthy feature, perhaps, is that, despite his birth and wealth, he was ever severely democratic. Republicanism in those days threatened to mean a curtailment of the power of the gentleman of the manor, nevertheless this interesting representative of one of Maryland's most celebrated families stood firmly for the republican party and its creed of equal voice in the government to rich and poor, landed and unlanded.





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## THE STATE OF NEW YORK.

### IN SENATE,

January 11, 1891.

REPORT

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IN ANSWER TO A RESOLUTION

PASSED BY THE SENATE, APRIL 18, 1890.

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1. The first of these is the fact that the  
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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

LEVIN WINDER

1812-1816

## LEVIN WINDER

American patriotism—and ignorance—for long decreed that no man ought even to intimate that the constitution of the United States possessed as much as one little flaw. To its authors was generally given credit for having produced a perfect governmental document. With all due respect, however, to fastidious patriots and early American statesmen, it must be confessed that the constitution at first possessed very little of the strength which subsequent events and the American character have given it. Between the lines of the document have been written, by a hundred and some years of national growth, decidedly more than is to be found in the lines themselves. When first the constitution was submitted to the several states, Luther Martin gave all his ability and his energy in a mighty effort to defeat the attempt to have Maryland ratify it. He saw the weak points of the instrument, and warned Marylanders that under its authority the central government would be able to discriminate against the weaker commonwealths in favor of the stronger ones. But the people heeded not, and the constitution was ratified. During the second war with England, however, Maryland suddenly became convinced of the truth of her former attorney-general's words.

The national administration in 1812 was republican; Maryland, however, was in a rather uncertain mind, the republicans and federalists being almost equally strong. The determiner of political control in Maryland was a riot in Baltimore in 1812, in which the republicans, who had taken offense at an anti-war editorial in a federalist paper,

attacked the paper's editor and engaged in battle with some of his federalist friends, killing a few and wounding others. This riot proved a boomerang. The federalists regained control of the state machinery because of disapproval, outside of Baltimore, of the republicans' violence, and the federal government, displeased with the turn of affairs in Maryland, ignored the demands of the state for the general government's assistance in defending American soil against the invasion of America's common enemy. Both the Maryland federalists, who had opposed the war, and the Maryland republicans, who had advocated it, were forced to bear the burden of the nation's war, as far as Maryland was concerned, without any aid from the central government. The historical index to the change of affairs in Maryland which was to result in the national government's unjust treatment of the commonwealth is found in the election of a successor to Gov. Robert Bowie, whose second administration in Maryland extended from 1811 to 1812 and witnessed the beginning of hostilities with England. The election of Mr. Winder, who succeeded Governor Bowie, was the "political disobedience" referred to in the declaration of the federalists of 1812-1814, who, after soliciting in vain the national government's aid when Maryland was subjected to attacks by the English, cried: "Virginia has but to ask and she receives; but Maryland, for her political disobedience, is denied."

Levin Winder was born in Somerset county on September 4, 1757, the son of William and Esther (Gillis) Winder. He was destined by his parents for the legal profession, and immediately after the completion of his academic training began reading law. In common with many candidates for the legal profession, however, the youth, when the Revolutionary War began, forsook the dusty tomes of his legal library and joined the army. He was appointed, January

14, 1776, first lieutenant in the forces under Colonel Smallwood. A little more than a year later, having seen various services, he was promoted to the rank of major and at the end of the conflict held the rank of lieutenant-colonel. With the return to their native sections of the host of lawyers, who for a season had forsaken their profession for the glory of war, the country seemed overrun with attorneys and counselors. It may have been this excess that prompted Mr. Winder to look to agriculture for an occupation in preference to the profession for which he had been trained. At all events, he became a planter on a large scale on his estate near Princess Anne.

The attractions of the plantation were not strong enough, however, to hold his thoughts from the life for which he had been fitted both by natural endowment and training. It was, therefore, not long before Mr. Winder appeared as a candidate for the legislature, and he was several times elected by his county as a member of the general assembly. While Governor Lloyd—who administered state affairs from 1809 to 1811—was in office, representing the choice of the republicans, Mr. Winder, a federalist, was chosen speaker of the house of delegates, thus indicating the close division of political influence in Maryland. Ex-Governor Bowie was reelected governor in the fall of 1811, and his administration extended through the opening months of the War of 1812-1815. These months were marked by the Baltimore riot, and when the time for the next election of members to the Maryland general assembly arrived the federalists lost no opportunity to impress upon the people the fact that all republicans were ruffians and murderers—witness the Baltimore riots—and therefore not safe people to be intrusted with public offices. This, however, was not the only source of strength to the federal party in Maryland in 1812. The counties and Baltimore were not in agreement

regarding the amount of influence which the latter should be permitted to exert upon the administration of state affairs. The counties had begun to feel some apprehensions lest the city of Baltimore succeed ultimately in gaining complete control of the state machinery, and it was, perhaps, as much because of the countians' distrust of Baltimore as of their displeasure with the republican rioters that the federalist forces turned out in full force in the legislative election of 1812. The house of delegates was naturally more sensitive to popular sentiment than the upper branch of the legislature, and by the elections of 1812 it was made strongly federalist. The senate continued republican, but it did not control sufficient ballots to overcome the strength of the lower house. After the legislature was organized, in the fall of 1812, it balloted for a successor to Governor Bowie. Mr. Winder received 52 votes, as against 29 for the incumbent, and the former was declared elected.

Governor Winder began his administration while the United States was at war with England. He and the party which he represented had been and still were opposed to the conflict. This state of affairs under ordinary circumstances would doubtless have led to a lack of harmony between the federal government and that of the commonwealth, but Mr. Winder's governorship witnessed extraordinary circumstances. The central government had been chagrined at the turn which political affairs had taken in Maryland, and, partly because of curtailed resources and partly because of resentment, it ignored Maryland's claim to be accorded protection from the invasion of a common enemy. The fact remains that Mr. Winder, an anti-war governor, inaugurated during the conflict, rendered herculean services on behalf of a defensive war. When he learned that the national government would not give Maryland the requested aid, he called together the legislature in extra session and



asked that it take such action as would place in his hands the means of securing the defense of the state. The legislature appropriated sufficient funds to defray expenses already incurred and to provide for subsequent military operations. Both Baltimore and Annapolis were, in consequence, garrisoned at the expense of Maryland.

While the governor was struggling with the means at hand to afford Maryland ample protection, the time for another gubernatorial election arrived. There was a contest in the election of the members from Allegany county, and when the vote was taken for governor a number of the legislators, because of what they held to be an unjust ruling on the part of the federalists, refused to vote. The republicans had made repeated attempts to organize the house before the Allegany delegates could be admitted, but their maneuvering was futile, and they were defeated at each fresh move to gain their point. A vote was taken for governor, and Mr. Winder was declared reelected, despite the protests of his political opponents and many assertions to the effect that his supporters had pursued dishonest methods.

The second year of Governor Winder's administration was marked with the glorious repulsion of the English when they sought to take Baltimore captive. The British had made an invasion of the national capital, and before their advance the Americans fled, leaving the city ripe for the enemy's torch. When the British turned from the burnt national capital toward Baltimore a few faint-hearted citizens suggested capitulation. But the major portion of the Marylanders, who had been judged unworthy by the government of its protection, scornfully put aside the suggestion of doing aught but meeting the approaching enemy half way. The story of this meeting—one of the most inspiring and heroic to be found in the pages of American history—must forever stand as a reproof of the attitude

of the central government, and as the brightest spot in Governor Winder's administration. And he, although he was unconditionally opposed to the conflict, deserves a large share of the glory of Maryland's victory at North Point and Fort McHenry.

Levin Winder was again reelected in 1814, receiving 48 votes as against 24 for ex-Governor Bowie. At the conclusion of his third term, in 1815, he retired to his farm. A year later, however, he was elected a member of the state senate. He died on July 1, 1819, leaving a widow who was formerly Miss Mary Sloss, and three children.

Hardly secondary to Winder's claim to fame because of his administration of state affairs are his relations with the Masonic order. Always active in the interests of this influential secret order, he filled the office of grand master of Masons in 1814 and 1815. His name occupies a position of large importance in the story of this organization in America, and much of its early success was the result of his faithful and untiring labors in its behalf.





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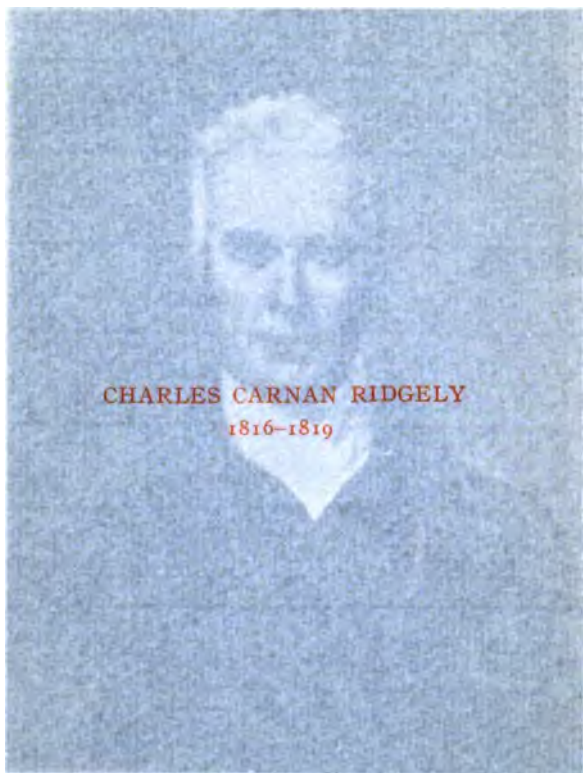
## CHANDLER'S CONSTITUTIONAL HISTORY

CHANDLER'S CONSTITUTIONAL HISTORY OF THE UNITED STATES, by JOHN CALVIN CHANDLER, LL.D., is a work of great value to the student of American history. It is a history of the Constitution, and of the development of the government under it. It is a history of the principles of government, and of the application of those principles to the American situation. It is a history of the growth of the government, and of the changes that have taken place in it. It is a history of the power of the government, and of the limits of that power. It is a history of the rights of the citizen, and of the duties of the citizen. It is a history of the government of the United States, and of the government of the world.

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## CHARLES CARNAN RIDGELY

Viewed retrospectively, the second war with England seems to have been a necessary preliminary to the United States' growth into a great nation. The Revolution won America's freedom, but the federation of states to which it gave birth was not one to inspire reverence at home, much less abroad. The world powers were not disposed to accept as a full-fledged nation the lately freed colonies; it required some feat of arms to convince the European governments that the Americans were a powerful people; and this second war with England afforded the opportunity for the feat. After the conflict was over, the individual states were in a much better position to go ahead with internal improvements, and thus it is that there dates from the close of the war of 1812-15 a period of considerable progress in most of the American commonwealths. But the fact remains that the administration in Maryland which witnessed the people's turning from a successful war to the matter of internal improvement was federalistic in complexion, and the federalists had been passionate opponents of the war. Owing to a strictly local turn of affairs in Maryland, which brought the republicans into disrepute because of their connection with the Baltimore riot, the federalist party was given control of the state machinery during the war by the administration of Governor Winder, and also during the first period of recuperation and internal improvement by the administration of Governor Ridgely.

Charles Carnan Ridgely had not always been known by that name. In his early youth he was called Charles Ridgely

Carnan, being the son of John and Acsah (Ridgely) Carnan. He was born in Baltimore county on December 6, 1760, and grew up to manhood under the name of Carnan. The death of his father while the boy was still in infancy put upon his mother's shoulders the responsibility of providing for his education. Although he learned the necessity of shifting much for himself, as is usual with fatherless boys, he received a fair education, and the loss of his father was partly made up by the affection entertained for the lad by his uncle, Captain Charles Ridgely. Captain Ridgely was a man of large means, and his wealth was freely employed in later years for the political advancement of his nephew. While still known by the name of Charles Carnan, the governor had been married, October 17, 1782, to Miss Priscilla Dorsey, of Howard county, and the young couple spent much time under the roof of Captain Ridgely. Shortly after Carnan had attained his majority he made his appearance in the political world. He served as one of his county's representatives in the lower house of the legislature from 1790 to 1795, and also rounded out five years in the state senate (1796-1800). He took some interest in military affairs—being influenced, perhaps, by his uncle, who knew and loved the smell of powder—and by gradual promotion reached, in 1794, the rank of brigadier-general of the Eleventh Maryland Brigade.

Prior to this, arrangements had been made whereby such fame as might be won by the son of John Carnan should rebound to the glory of the Ridgely family. Captain Charles Ridgely was childless, but he was not content that his family name should fall into disuse as soon as he made his exit from this world. He, therefore, offered to name his nephew as his chief heir provided the promising relative would adopt his name also. The beautiful Ridgely estate of Hampton and a large part of the fortune which Captain Ridgely had acquired



were to be bequeathed to Mr. Carnan upon the condition that henceforth he be known as Ridgely. The condition was accepted, and upon the death of his uncle, in 1790, Mr. Carnan became, by special act of the legislature, Charles Carnan Ridgely, and thus he is known to history. An interesting feature of the relationship of Captain Ridgely and his nephew is the additional tie between them which resulted from their marriages. The master of Hampton was wedded to Miss Rebecca Dorsey; the governor chose for his wife Miss Priscilla Dorsey, sister to Rebecca, and thus he became the brother-in-law of his uncle. Mr. Ridgely's political activity prior to the time when he was elected governor had been confined to the legislative halls of the state and the local councils of Baltimore county. He had been active in political affairs as a federalist; and, as a large landowner and planter, he had been a strong advocate of internal improvement and the construction of avenues for transportation; but his public services were usually in offices of limited responsibility. His nomination for the gubernatorial office was his first appearance as more than a strictly local politician upon the political stage of Maryland.

Although the federalists had felt some little uneasiness before the meeting of the legislature, early in December, 1815, lest by some trick the republicans should gain control of the executive office, there were no developments to justify such fears. The election for governor was close, but the federalists had a small majority and elected Mr. Ridgely over ex-governor Bowie, the republicans' nominee. Governor Ridgely's years in office were, in a measure, witnesses of an awakening of Maryland and other states to a realization of the Union's larger possibilities. From the close of the war the states on the Atlantic seacoast began to devote their energies to the development of their resources to a much larger degree than they had done theretofore. The subject

of internal improvement was not a new one, but now the American states found themselves better prepared to give their undivided attention to the needs of their respective sections. The people—freed for a time from the danger of further molestation by foreign countries—came to appreciate the fact that they were capable of becoming much more than merely a series of independent states joined into one federation; they recognized the fact that the government which the several commonwealths formed might assume a position of importance in the family of great nations.

Soon after Mr. Ridgely's induction into the gubernatorial office he suggested to the legislature that the central government be called upon to reimburse Maryland for the expense to which she had been put during the war of 1812-15 by reason of the national administration's failure to provide adequate protection to the property of Marylanders. The legislature accordingly authorized the governor to appoint someone to treat with the federal government regarding the state's claims, and Congressman Robert H. Goldsborough, who was commissioned to perform this task, devoted much of his time endeavoring to obtain for Maryland a settlement. Though his efforts were not altogether successful, nevertheless the state did receive from the national treasury at least a part of the amount which she had spent during the war.

During Governor Ridgely's administration the state turned over to the national government two forts—Fort McHenry, which had played an important part in the late conflict, and Fort Washington. About this time was brought up the question of readjusting the legislative divisions of the state, so that every section would have an equitable representation in the general assembly. This matter of disproportionate representation, although it was somewhat

warmly discussed during Governor Ridgely's administration, was not finally settled until after he had relinquished the gubernatorial office. Ridgely was reelected governor in 1816 and again in 1817, thus giving him the full three years in office that were permitted by the constitution. Politically the state remained unsettled throughout this period, and it was a difficult task for the federalists to hold sufficient votes in the legislature to continue to fill the executive mansion. The feature which favored them was the law by which state senators were elected for five years, thus requiring a very considerable lapse of time before the people could change the political complexion of the upper house. In 1818, Governor Ridgely was succeeded by another federalist, Charles Goldsborough.

At the close of his administration Mr. Ridgely retired to Hampton, where he devoted himself to the task of looking after his property. At home he represented the typical aristocrat of his day. He had the fortune that enabled him to live like a prince, and he also had the inclination. Hampton was cultivated by hundreds of slaves of whom Mr. Ridgely was absolute master; although the governor by his will manumitted these serfs. Some idea of the extent of his plantation and the manner of its cultivation may be obtained from the fact that when, on July 17, 1829, Charles Carnan Ridgely died, there were freed more than 400 negroes who had been his personal property.

## CHARLES GOLDSBOROUGH

By grace of fate, rather than by the wish of the people, the federal party was permitted to continue in control of Maryland's affairs some time after it had fallen under the disapprobation of the voters elsewhere in America. 'An unjust election law, which may have been good enough in the beginning but became evil with advancing years, favored the federal party in retaining its power in Maryland, despite the fact that its opponents were in the majority. There were in Maryland at this time twelve counties that were federal in political complexion. These counties boasted a total population of 131,165 white inhabitants, and paid the state upon direct tax \$68,404. The democratic portion of the state comprised seven counties which supported a free white population of 140,209 and contributed in taxes the sum of \$83,222. And yet, the twelve counties which contributed 45.1 per cent of the state taxes and contained 48.3 per cent of the free white inhabitants were given, under the unjust scale of representation, 60 per cent of the total membership in the lower house of the general assembly, while every attempt to equalize the representation of the several counties according to population was fought tooth and nail by the federalists.

Instead of pursuing a peaceable policy, and thus neutralizing in part the antagonism which existed against it, the leaders carried the party arrogantly to the place where it was to meet destruction. Even Mr. Goldsborough, who was called upon to succeed Mr. Ridgely in the executive office, did not fully appreciate the needs of his peculiar

CHARLES GOLDSBOROUGH

1819

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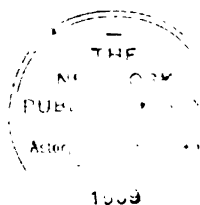
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situation, and performed his duties in much the same spirit that he had pursued in the national legislature. In consequence there came not only concerted opposition to the prevailing method of allotting representation in the general assembly, but what meant even greater injury to the federal party—a demand that the governor of Maryland henceforth be elected by popular vote instead of by the legislature. To give the people—the common people—a direct voice in the election of governor meant certain death to the federalist party, and Mr. Goldsborough's brief administration as governor was responsible for the first concerted demand from the democrats that the state executive be chosen by the people upon their direct vote.

Charles Goldsborough was born at Hunting Creek on July 15, 1760. His early years were such as to incline him toward the federal party when that body should become opposed to republicanism. His father, Charles Goldsborough, Sr., and his mother, who before her marriage had been Miss Anna Maria Tilghman, were both of gentle birth, and their son was bred in an atmosphere which nourished the belief that the landed families—among them the Goldsboroughs—were very superior to the general run of mankind, and that a man who had not been born in a family of high social position must necessarily be void of those qualities which work for wise self-government. After Goldsborough had received his preparatory schooling in the immediate neighborhood, he entered the University of Pennsylvania, from which, in 1784, he received the degree of bachelor of arts. Three years later the master's degree was conferred upon him. On September 22, 1793, he married Miss Elizabeth Goldsborough of Myrtle Grove, Talbot county. His wife was the daughter of Judge Robert and Mary Emerson (Trippe) Goldsborough. She died, leaving two daughters, and her widower married on May 22, 1804, Miss Sarah Yerbury Goldsborough of Horn's Point.

Up to the time of his second marriage, Governor Goldsborough was in a formative stage politically. He was acquiring the sentiments and the prejudices which in later days became the stock in trade of the federal party. Active in political affairs generally, he, nevertheless, did not win prominence until later years. He had reached the age of forty when he became his party's candidate for congress. The federal party at that time was in an uncertain state in Maryland. The republicans had wrested control of the executive mansion, and they were accomplishing large results throughout the state. In Mr. Goldsborough's home district, however, the federalists had a stronghold, and their candidate for the lower house of the national legislature was elected.

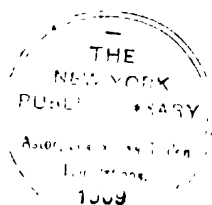
Mr. Goldsborough began his congressional career on December 2, 1805, and served his district without interruption thereafter until March 3, 1817. During these years the bitter opposition of the federalists to the republicans—or democrats—developed, and Congressman Goldsborough, as a champion of his party, was in the thick of the warfare. His terms in the lower house of congress witnessed the beginning of the battle between the war party and the anti-war party; they witnessed the second conflict with England, and they witnessed the closing days of the federal party, when that organization had lost its control in most states of the Union and was on the decline in Maryland also.

As was to be expected, in course of years Mr. Goldsborough cultivated a spirit of combativeness, which was necessary in carrying on the struggle for the sustaining of his party. But this training, while advantageous to one in the legislative hall, was not a valuable asset to the man called upon by a somewhat discredited party to become its representative in the executive mansion at Annapolis. After the completion of Governor Ridgely's administration,

the federalists in the general assembly elected Charles Goldsborough as his successor. Early in his governorship a bill was presented in the legislature to increase the representation of Baltimore in the house of delegates from two members to four. By the manner of its opposition to this proposition the federal party made a serious blunder. Later there came a suggestion to confer the franchise upon Jews, and again the federalists through a false conception of self-preservation blundered into opposing the measure. This shortsightedness of the federalistic leaders during Mr. Goldsborough's administration was such as must work to the injury of the party's position in the state. One humane accomplishment, however, stands to the credit of the legislature during Governor Goldsborough's term in office, and that is the repeal of the law which countenanced imprisonment for debt.

It is possible that Governor Goldsborough and his advisers had hoped to hold on to the gubernatorial office because of the federalist complexion of the state senate. By the generally arrogant conduct of the federal party during 1818 and 1819, however, the people had become sufficiently dissatisfied to rise in their might in the fall of 1819 to destroy completely the power of federalism in Maryland. The election took place on October 4 and was marked by excitement and bitterness. Each party accused the other of dishonesty and bribery; and judging from the evidence, the truth of the whole affair doubtless is that both federalists and republicans bribed and received bribes, repeated and harbored repeaters, lied and sustained liars—in other words, that they set a very poor example, as far as pure politics are concerned, for their descendants. And, on December 16, 1819, when the general assembly met in joint session and began to transact its official business, it was found that the republicans had a majority of the members and Governor

Goldsborough's public services were brought to a close, Samuel Sprigg being elected his successor. Upon his retirement from the executive mansion Mr. Goldsborough returned to his Eastern Shore plantation, where he passed the remaining years of his life. His death occurred on December 13, 1834, at Shoal Creek, near Cambridge.





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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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the  $\beta$  phase of the polymer. The  $\beta$  phase is the more ordered phase and is characterized by a higher density and a higher melting point than the  $\alpha$  phase. The  $\beta$  phase is also the more stable phase and is the one that is most commonly observed in nature. The  $\alpha$  phase is the less ordered phase and is characterized by a lower density and a lower melting point than the  $\beta$  phase. The  $\alpha$  phase is also the less stable phase and is the one that is most commonly observed in nature.

\* The authors are grateful to the National Science Foundation for support of this work.

1. *Prüfungsausschuss* (exam board) – Prüfungsausschuss  
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**SAMUEL SPRIGG**

**1819-1822**



## SAMUEL SPRIGG

In 1819 the Maryland republicans, who had been more or less in retirement after the beginning of the second war with England, succeeded in regaining control of the state government. No sooner had the election of a republican governor been announced, than the federal leaders and the newspapers supporting the federal party devoted much time to listing all the evils that would result from the republican victory. The republicans, in a measure, exceeded the most direful predictions of their opponents; for from one end of the state to the other federalist office-holders were removed to make way for republicans. This liberality in patronage was almost sure to lead to a reaction against the party lately come into power—but it was not quite sure. Truth is, that the republicans had chosen as governor—and therefore, in a way, the distributor of the party's patronage—a man who was exceptionally well fitted for the peculiar and exacting position. Most men would have given offense; would have caused fresh wounds or paved the way for their party's later defeat. But Mr. Sprigg, strict partisan that he was, managed to be conciliatory in the administration of state affairs; he bound up the old wounds which had long kept the people restless, and prepared the way for his party to make more secure its position in the commonwealth.

Samuel Sprigg was probably born in Prince George's county, although authentic data concerning his early years are not plentiful. His father, Joseph Sprigg, was several times married. His first wife, whom he married in 1760,

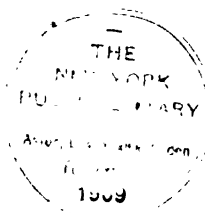
was Mrs. Hannah Lee Bowie. He subsequently married a second time, and it is possible he took to himself also a third wife; of either the second or third marriage came Samuel, who was probably the son of Margaret Elzey (Weems) Sprigg. The boy was but one in a large family, for each of the wives of Mr. Sprigg had brought to him as dower a family of children, and therefore it is not strange that his advent was regarded as a somewhat commonplace occurrence. As a consequence, it is necessary to speculate as to the date of his birth; but it probably occurred 1782-83. The youth of Mr. Sprigg is also veiled in obscurity, and it is not known how much opportunity was given him for acquiring an education. The elder Mr. Sprigg died in 1800, and his death must have disrupted the family circle, for Samuel was adopted by his uncle, Mr. Osborn Sprigg, from whom he inherited the Prince George's county estate of Northampton.

Samuel Sprigg reached maturity about the time when the federal party was waging its bitterest warfare upon the republicans. This was a struggle between the believers in aristocracy and the advocates of democracy, and in a contest of this kind it is no wonder that Mr. Sprigg should have cast his lot with the republicans. He was well-born, and the federal party would doubtless have taken him up gladly, but it would scarcely have been willing to advance him to high position when it had so many supporters, better-known than he, who were anxious to serve the state with glory to themselves. The republican party, however, was hungry for young men who could be roused to passion; for its doctrines sounded best when expounded in passion; it needed able men from the mass of the people, for its creed was based upon democracy; and it needed men of daring, for those who took part in the strife could hope for no success unless they fought courageously. Mr. Sprigg possessed all of these requirements. He was young, with the world all

before him. He was of the people and had his little family to provide for, having been married on January 1, 1811, to Miss Violetta Lansdale, daughter of Thomas Lancaster and Cornelia (Von Horne) Landsale by whom he had two children.

Mr. Sprigg was elected governor by the general assembly on December 13, 1819, his opponent being Charles Goldsborough, who was then serving as governor of the state. The fact that up to this time he had won no considerable fame is not a matter for surprise. He not only was young when chosen to the gubernatorial office, but up to the time of his election his party had been very much in forced retirement throughout the state. One phase of the administration that was thus inaugurated has already been hinted at in the reference to the dismissal of officeholders who were federalists and the putting into their places of republicans. Although this change did not cause the discontent that might have been anticipated from it, there were other features to Governor Sprigg's administration that aroused feelings of much bitterness. For instance, the republican agitation for a revision of the constitution—looking to an increase of Baltimore's representation in the legislature—and also that for the election of state executives by direct vote of the people were pointed out by the federalists as very dangerous proposals, and their call to the counties to protect themselves against the threatened usurpation of the cities succeeded in reducing the republican majority in the next legislature, although the general assembly was sufficiently republican to reelect Mr. Sprigg that year, 1820, and in 1821 he was chosen governor for a third term. Both of these movements—first, for giving Baltimore a more proportionate representation in the legislature and, second, for electing governors by popular vote—were efforts to bring about a more republican form of government; and although both were then defeated, they paved the way for a later victory.

In the sphere of industry the administration of Mr. Sprigg was also somewhat notable. Much attention was given in the first quarter of the nineteenth century to the channels through which development was to be carried to the interior. This embraced the construction of roadways and the digging of canals; both having as their object the shortening of distance between commercial cities or between cities and agricultural sections for the expansion of commerce. Under the governorship of Mr. Sprigg the state gave financial support to the projection of the Washington Turnpike Company, and the enterprise that had been started under the Potomac Company was given new life by transferring the rights to a new concern. A joint commission was appointed by Maryland and Virginia to investigate the manner in which the Potomac Company had fulfilled its promises to these commonwealths; and upon the recommendation of this commission the Potomac Company's charter was cancelled, while the Chesapeake and Ohio Canal was the outcome of the transfer of the Potomac Company's privileges to a new concern. Even after the close of his administration, Mr. Sprigg continued a hearty advocate of all measures which had as their object internal improvements in Maryland, although he never again entered public office. He served as president of the canal board and labored faithfully for the construction of the waterway that was to mean so much to the commercial prosperity of the state. Governor Sprigg died April 21, 1855, at an advanced age. His body was interred in St. Barnebas churchyard, but later (1865) was removed to Oak Hill Cemetery, Georgetown.





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I have the honor to acknowledge the receipt of your letter of the 14th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,  
 Yours, Sir, very obediently,  
 J. M. Smith

SAMUEL STEVENS, JR.

1822-1826.



## XVIII

# SAMUEL STEVENS, JR.

An impetuous French youth of noble birth, whose blood ran hot with a love of liberty, fled from his native land in 1777 to join the humble forces then fighting for freedom in the American colonies. Almost half a century later that same Frenchman, still dearly loving the cause of liberty, revisited the land for whose freedom he had so valiantly striven. There could have been no more fitting ceremony upon the occasion of this second visit than that the shackles which held the last religious bondman in the state of Maryland should be broken. But not as a tribute to Lafayette was the political embargo against the Jews in Maryland raised; the concurrence of the two events was accidental. The coincident is not uninteresting, however, in that it shows how partial was the liberty afforded at the close of the Revolution, since religious discrimination in the Old Line state was only destroyed half a century later. The war for independence had been completely forgotten by this time; how completely is shown by a little anecdote related of a state official, who received Lafayette on behalf of Maryland. The Marylander was much confused, according to report, and, after assuring the distinguished Frenchman of the state's welcome and wishing him a pleasant sojourn in the new world, he asked, by way of entering upon less formal conversation: "General, is this your first visit to America?"

Samuel Stevens, Jr., in whose administration occurred the Lafayette visit and the enfranchisement of the Jews, was born in Talbot county, 1778, the son of John Stevens, a large landowner. Young Stevens attended the school

of Rev. John Bowie, but did not receive a college education, due to the fact that his uncle, who became his guardian upon the death of his father, was opposed to sending him to an institute of higher learning. After the close of his school days, Mr. Stevens engaged in business for a short time in Philadelphia, but upon attaining his majority returned to his Eastern Shore home. Soon after reaching manhood, he became an active worker in the democratic party, and for a number of years, with an occasional break now and again, he represented his county in the lower branch of the legislature. He was married on June 2, 1804, to Miss Eliza May, of Chester county, Pennsylvania, and within a few years thereafter he made his initial appearance in the general assembly. Mr. Stevens was first elected a delegate from Talbot county in 1807. He was repeatedly reelected to the same office, and took part in the deliberations of the house in the sessions of 1808, 1809, 1811, 1813, 1817, 1819 and 1820. In 1819 the Maryland democrats won a signal victory, and Mr. Sprigg was made governor. The hold of the democrats at the close of Governor Sprigg's administration was more secure than it had ever before been in the state, and so another representative democrat, Mr. Stevens, was chosen as his successor.

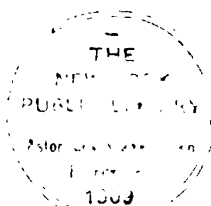
By the nomination and election of Mr. Stevens more could be done to arouse the masses throughout the state and prompt them to join the democratic ranks than by the selection of a more radical democrat to the executive mansion; and so Mr. Stevens was honored with the nomination. He was elected for one year in 1822, and was reelected in 1823 and 1824. Early in his administration, the report of a commission which had been appointed during the term of Governor Sprigg to report upon the Potomac Company was completed and submitted to the legislature. The investigation had shown that the Potomac Company had

not made any noticeable progress in the construction of the canal which it had undertaken to build with the state's help; and as a consequence the company's charter was transferred to other interests and the Chesapeake and Ohio Canal Company was organized. Although there was opposition in Maryland to the canal at first, because the artificial waterway did not promise to benefit Baltimore, in time the source of this opposing attitude was removed, and the legislatures of Maryland, Virginia and Pennsylvania took favorable action upon the proposition to build "a waterway from the tidewater of the Potomac, in the District of Columbia, to Cumberland or the mouth of Savage Creek, and thence across the Alleghany Mountains to some convenient point of navigation on the waters of the Ohio or its tributary streams."

The most notable accomplishment of Governor Stevens' administration, however, from the standpoint of politics was the enfranchisement of the Jews. There had been made prior to this time many attempts to give the Jew the same right to vote in Maryland that was enjoyed by citizens of other faiths. These attempts, however, had invariably met with bitter antagonism. The greatest opposition to the proposal came from the counties, which somewhat illogically opposed everything that would give Baltimore a larger voice in the direction of state affairs, and every increase in population was regarded as a threat of harm from this direction. The Jew, however, with his characteristic tenacity, continued to appeal to the state's sense of justice as to whether or not he should be forever barred from rights which were granted to every other man. A bill to remove the disqualification from the Jew had actually passed the legislature in 1822, but before it could become a law it was necessary that it be approved by a subsequent legislature. At the session of 1823 the members of the

general assembly from the counties had been too strongly impressed with the countians' disfavor of the measure to dare approve it, and they therefore refused to vote for the bill. In the next session, however, that of 1824, the question was again brought up, as it had been in many previous sessions, and was finally passed, February 26, 1825.

The administration of Mr. Stevens was brought to a close in 1825, after he had served the full three years permitted by the constitution. He was succeeded by Joseph Kent. Mr. Stevens continued active in the cause of Maryland democracy after his retirement and throughout the remaining days of his long life. He never again, however, came prominently in the public eye, and except for his governorship of three years his life was an uneventful one. He died at his home near Trappe, Maryland, in 1860, at the advanced age of eighty-one.





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JOSEPH KENT

1826 1829



## XIX

### JOSEPH KENT

1799-1877

What is known in politics as a mugwump was once aptly defined as a human ferryboat, traveling from side to side, but never remaining long at any mooring. During the first years of the American republic there were lacking in the political world such qualities as are essential to the cultivation of men of this class, but in the years that witnessed the great disintegration of American political parties incident to the demise of the federal party and the formation of new organizations, certain inducements were presented to the shrewd honor-seeker to become a mugwump. There were lightning changes in the political complexion of many sections, and he who could anticipate these changes might prepare for himself a future berth with a party yet unborn while occupying an office under the organization to which at the time he acknowledged allegiance. And it must be confessed that in Maryland there was being developed a very fine specimen of mugwump, who was in time to be honored with the office of governor—Dr. Joseph Kent. His political sentiment was acrobatic and took many a turn, but it always landed its owner upon his feet, and usually in office, and yet, by the feats which Mr. Kent performed, Mr. Kent was not only the gainer, but his native state was each time made richer. Had he lacked the ability to read the future, had he resisted the temptation to be guided by his reading, Maryland would have lost much more than Mr. Kent ever gained.

Joseph Kent, the son of Daniel Kent, was born in Calvert county January 14, 1779. He was afforded the best oppor-

tunity in early youth to obtain a thorough education, and by the time he had reached the age of twenty was able to secure a license to practice medicine. This was in May, 1799. He then formed a connection with a Dr. Parran, of Lower Marlboro. The partnership lasted only for two years, and in September, 1801, Dr. Kent began to practice on his own account. Perhaps because the medical profession was not sufficiently remunerative or perhaps because the neighbors were too healthy to demand much of Dr. Kent's time—possibly because of both—the future governor determined to change the scene of his activity and at the same time take up farming. He moved to Blandersburg in 1807, where he was sometimes physician and sometimes farmer. He entered the service of the state government as surgeon's mate and rose steadily, becoming surgeon, major, lieutenant-colonel and finally colonel of cavalry.

His versatility must have impressed Dr. Kent himself in early years, and it was therefore but natural that he should soon become convinced that his peculiar qualities might prove of more worth in politics than in either agriculture or medicine. At all events, Dr. Kent became a candidate for office in the first year of the second decade of the nineteenth century, and as a federalist was elected a member of the lower branch of congress. At the expiration of his term he was reelected. His service covered the period from November, 1811, to March, 1815. During this period the great evil in the eyes of federalism was the threatened second war with England, and Congressman Kent was a federalist. But when the time came to vote for war or against war, Dr. Kent, on June 18, 1812, joined the republicans with a vote for war. As a prospective mugwump he acted with great judgment, for it was apparent that the time must soon come when the federal party in Maryland should go into decline. When the time for a presidential election

came around, in 1816, Dr. Kent appeared as a candidate for elector on the republican ticket, and in the electoral college of which he became a member he cast his vote for James Monroe for president. He was thus by this time a confirmed republican, or latter-day democrat. It was not long before Dr. Kent, as a democratic leader in his section, was being thought of and talked of as a fit man to send to congress. The successful termination of the war of 1812-15 had put a quietus upon the federal party generally, though in Maryland it held on for several years after the close of the conflict. Ex-Congressman Kent, however, appeared as a congressional candidate at the proper time, when, in 1819, the final retirement of the federal party was taking place. He was elected a member of the 17th, 18th and 19th congresses serving from 1821 to 1826.

While still representing Maryland in the lower house of the national legislature Mr. Kent was chosen governor of the state to succeed Samuel Stevens, Jr., and he resigned his seat as a congressman in the early part of 1826 and took up the direction of affairs in the gubernatorial office. Many important though not momentous pieces of legislation were either endorsed or else suggested by Mr. Kent during the three years he was governor. He advocated a change in the election law by which president and vice-president of the United States were chosen. He suggested that the Maryland legislature dispose of its holdings of United States 3 per cent stock and put the proceeds in a sinking fund. He impressed upon the national government the desirability of Maryland securing her share of the public lands to be devoted to educational development. But the feature of his administration that stands out in greatest relief against the minor events is the establishment of the Baltimore and Ohio Railroad. Governor Kent's predecessors in office, as well as he himself, had been concerned with the building of

a canal which should connect Washington with the waters of the Ohio river. Since this canal could offer no special commercial advantage to Baltimore the people of the city had from the first been opposed to it unless a scheme was devised whereby the canal could be continued to Baltimore. This led to the suggestion that a connecting link be built between Georgetown—the Washington terminus of the proposed Chesapeake and Ohio canal—and Baltimore. Upon investigation such a connecting canal was found to be impracticable.

When the unfavorable report upon the proposed canal between Georgetown and Baltimore was made, it was determined to build a railway between Baltimore and the Ohio, over which box cars loaded with freight might be hauled by horses and mules. Governor Kent had presided at the Washington meeting which, in 1823, planned the Chesapeake and Ohio canal, and he was for some years a director in the company constructing this waterway. He now took an active part in the building of the Baltimore and Ohio, and the broad-mindedness of the man is shown in his appeal to the people not to oppose either project in favor of the other, but with both heart and soul to sustain the rival movements that were to result in the Chesapeake and Ohio canal and the Baltimore and Ohio railroad. The meeting at which plans for building the Baltimore and Ohio were finally put into shape was held in Baltimore, February 12, 1827. The committee appointed to perfect plans reported a week later that it approved of measures being taken "to construct a double-track railroad between the city of Baltimore and some point on the Ohio river by the most eligible and direct route." Governor Kent, Charles Carroll of Carrollton and ex-Governor Ridgely were on the committee which petitioned the Maryland legislature for a charter for the proposed railroad, and the legislature within a very few days granted the requested privilege.

Governor Kent was now preparing for another change in political faith. His administration was brought to a close in 1828. About this time there began a war in the republican party between the Adams men and the Jackson faction. The party, at this time called the republican-democratic, was disrupted, the loyal ones becoming the democrats. Mr. Kent and a host of others returned to somewhat the principles of the old federal party and became known as the national republicans, who in time were to be the whigs. In December, 1831, the national republicans held a meeting in Baltimore and elected Joseph Kent vice-president of the organization. The ex-governor entered the war upon his old associates with all the vigor which he usually displayed, and in a very bitter contest succeeded in winning for himself sufficient support to be sent to the United States senate. He was elected for six years—from 1833 to 1839. Before his term had expired, however, he died, November 24, 1837, at his residence, Rose Mount, near Bladensburg. He had been married twice. His first wife was Miss Eleanor Lee Wallace, daughter of Dr. Michael and Eleanor (Contee) Wallace, by whom he had five children. The first Mrs. Kent died in 1826. Dr. Kent's second wife was Miss Alice Lee Contee, of Charles county, who left no issue.

## DANIEL MARTIN

When new political parties are formed by a general disintegration of the body politic, there is apt to prevail for at least a portion of the period of evolution much vagueness concerning political boundary lines. Take, for example, the years intervening between the death of the federal and the birth of the whig parties, and in the presidential campaign of 1824 there appear four candidates for the presidency under the standard of the republican-democratic party; and the chief mark of distinction between them, as far as party name is concerned, is that John Quincy Adams, for instance, was known as an anti-Jacksonian, while Andrew Jackson naturally was a strictly Jackson candidate. An accompaniment to this groping in national politics is found in the local affairs of Maryland at about the same time. While the several divisions of the republican-democratic party were seeking for doctrines to incorporate into their beliefs, Maryland wavered from one to the other. The state would elect a legislature favorable to Adams this year, but the next general assembly would be radically Jacksonian. This constant shifting of sentiment is responsible for the piecemeal—and therefore unimpressive—administration of Governor Martin. He was elected to office and gave every promise of rendering the state good service; but the one-year term for which governors were then chosen did not afford him opportunity to put into practice his policies before a Jackson governor succeeded him and ended his experiment. Within another twelve months, however, Mr. Martin was again elected state

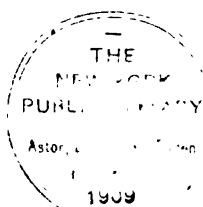


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executive, but this time death interrupted his direction of Maryland's affairs, and consequently the state's history records only two fragments of administration which are as unsatisfying as fragments usually are.

Daniel Martin, third son of Nicholas and Hannah (Oldham) Martin, was born at The Wilderness, near Easton, in 1780. The boy was given a liberal education and, because of his father's business at Annapolis, gained the additional benefit of being thrown with men of consequence. His primary training was acquired in part in his home county and part at Annapolis. After the completion of his preparatory schooling, he matriculated at St. John's College, Annapolis, where he received his academic training. During his residence at Annapolis Mr. Martin made the acquaintance of Miss Mary Clare Maccubbin, of that city, who in 1816, became his wife. After leaving college Mr. Martin devoted his time to agricultural pursuits, and for some time held aloof from public life, although he was ever active in the political councils of his county. His initial appearance as a legislator was made about the time of the federalists' final defeat. In 1819 Daniel Martin was sent to Annapolis with Mr. Samuel Sprigg, who shortly thereafter became governor, as Talbot's representative in the house of delegates. Martin remained in the legislature until 1821, after which year he was lost for some time to the public eye. He was a man to whom the management of his farm made a strong appeal, and a large part of his time during the period intervening between his service in the legislature and his administration of affairs in the executive mansion was devoted to farming.

In the decade from 1820 to 1830 one of the chief themes upon the stump in national and state campaigns was the question of internal improvements. An experiment with a canal in New York had revealed the means by which the

commerce of the country was to attain marvelous development, and everywhere the talk was of cutting canals and building railroads. In Maryland the matter of internal improvements was especially stressed. When the legislature met to elect a successor to Joseph Kent, who had been a herald of internal improvements, there were two candidates presented by the two factions of the republican-democratic party. Daniel Martin, of Talbot county, was chosen, and assumed office January 15, 1829. His term expired the next year, by which time the Jackson elements had succeeded in gaining control of the legislature and, instead of reelecting Governor Martin, Thomas King Carroll, a Jackson supporter, was chosen. Governor Carroll was in office from January 15, 1830, to January 13, 1831, by which time the legislature had again become anti-Jackson, and ex-Governor Martin was once more chosen state executive. His term, beginning in the opening days of 1831, continued only until July of the same year, when his death put to a close an administration that was both conservative and progressive.

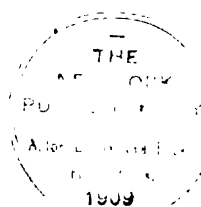
This fragmentary service as chief magistrate does not present an opportunity to draw a final conclusion as to the executive abilities of Governor Martin, but his utterances while in office and his public acts give no uncertain indication of what his administration would have been, had there been afforded him ample opportunity for the display of his ability. His chief characteristic—which made him unalterably antagonistic to President Jackson personally, even though he might have been favorable to the political principles of Jackson's supporters generally—was an abhorrence of political patronage. General Jackson, on the other hand, was the high priest of the doctrine of political favors in the shape of public offices. All the predecessors of Jackson in the presidential office had to their credit

a total of 74 removals from public office because of the political faith of those dismissed. When "Old Hickory," however, came to the executive mansion he dismissed during the first year of his administration between 1000 and 2000 office-holders that his own adherents might become public employees. This was the beginning of what is known as the "spoils system" in America, which is based upon the theory that to the victors belong the spoils of public office.

Governor Martin was decidedly a virtuous politician, and whatever doctrines he either devised or supported were eminently moral. He was opposed to anything approaching a "spoils system," and declared that as soon as the parties should become thoroughly instilled with the notion that offices were simply rewards for political workers there would follow a desire to increase the number of public offices; and Governor Martin was an avowed advocate of such governmental organization as would call for few officers in the state departments. Although conservative in this particular, he was primarily a progressive man. He devoted much of his time to the consideration of internal improvements then going on. He took an active part in the affairs of the Baltimore and Ohio Railroad, of which he was a charter member, and gave his support to the Chesapeake and Ohio canal project. He was untiring in his endeavors to have the educational institutions of the state increased in numbers and brought up to a higher standard of efficiency. He also advanced weighty arguments in favor of the employment of convicts confined in penal institutions for the purpose of manufacturing goods, the profits from which should considerably reduce, if not completely offset, the expense attendant upon their incarceration.

While Governor Martin had had limited opportunity during his first administration of one year's duration to

display his ability as an executive and his purity of purpose as a citizen, it, was from his second administration that the greatest accomplishments were expected. His discharge of the duties of state executive during the term 1829-30 received hearty indorsement by his reelection as governor after a break of a single year by the Carroll administration. Further, the ranks of his supporters in the state had been strengthened, and there was every reason to believe that he would be retained in office for the full two additional years to which he was eligible under the constitution. For both the state, therefore, and for Mr. Martin himself the outlook was promising, but death interposed, and what would have been the record of his subsequent administration of Maryland affairs, had he lived, remains a matter for speculation. He was taken ill on Friday, July 8, 1831, and died at his Talbot county estate on the following Monday, July 11, at 3 o'clock. Two days later he was buried near his home, on the Choptank river.





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THOMAS KING (CARROLL)

1888-1891

THOMAS KING CARROLL  
1830-1831

## THOMAS KING CARROLL

Modesty and diffidence are not common traits in the average politician. Indeed, it would appear little short of impossible for a man with a markedly retiring disposition to win large political honors. But in the gallery of Maryland's governors there hangs the picture of one executive who was preëminently modest and quiet. His life began when the federation of the American states under the constitution was still in an experimental stage. He took part in the early political affairs of the state and witnessed America's development along democratic lines. He was in the heat of the slavery discussion, saw the conflict which sought to solve the negro problem, and watched over his native commonwealth when she joined in the task of binding up the wounds inflicted by war. And yet, through it all, Governor Carroll appears more as a spectator than a principal, not because he only looked on, but because he labored quietly for the causes which he favored. He joined the company of governors so modestly, he remained in office so brief a period, and his retirement from the executive mansion was so quiet, that somehow he seems mingled with the crowd rather than the leaders.

Thomas King Carroll was born at Kingston Hall, Somerset county, April 29, 1793. He was descended from Capt. Henry Carroll, the proprietor of Susquehanna in St. Mary's county, who died shortly before the outbreak of the Revolution. Captain Carroll's eldest son was Col. Henry James Carroll, who married Miss Elizabeth Barnes King, the only daughter of Col. Thomas King, of Kingston Hall,

Somerset county. Somerset was then a stronghold of the Presbyterians, and when announcement was made of an engagement between Miss King, a Presbyterian, and Colonel Carroll, a Roman Catholic, there followed considerable excitement in the county, and posters were distributed denouncing the marriage of a King and a Catholic. Upon his marriage Colonel Carroll and his wife took up their residence at Kingston Hall, and there Thomas King Carroll, their eldest son, was born. The home in which his boyhood was passed furnished fertile soil for the development of a refined and cultured character, and Governor Carroll, despite his support of the democratic party, was in a number of his ways a typical aristocrat of his day. Many of the old English customs were retained at Kingston Hall—all the servants wore livery, and when the family traveled it was in a coach and four with outriders.

Young Carroll commenced his academic studies at Charlotte Hall School, in St. Mary's county. In 1802 he entered Washington Academy, Somerset county, where he continued for the following eight years, leaving that institution in 1810. He then became a member of the junior class of the University of Pennsylvania, from which he was graduated in 1811. In the fall of that year he began to study law in the office of Ephraim King Wilson, in Snow Hill, where he continued until 1813. He then entered the office of Gen. Robert Goodloe Harper, of Baltimore, and completed his law studies, qualifying at the bar of Somerset county in June, 1814. He had determined to practice law in Baltimore, but the sudden death of his father upset his plans and changed considerably the course of his life. When the elder Carroll died Thomas King Carroll abandoned law, and returning to Kingston Hall undertook the management of his father's large estate.

The year 1814 was an eventful one in Mr. Carroll's life

for other reasons than that it witnessed his admission to the bar. On June 23 of that year, he was married to Miss Julianna Stevenson, a daughter of Dr. Henry Stevenson, of Baltimore. Dr. Stevenson was one of the most widely known and distinguished physicians of his day and is honored in both medical and civic annals. Another important event in the early life of Carroll was his entrance into the Masonic order, of which he was throughout the remaining years of his life an active member. Shortly after having arrived at maturity Mr. Carroll was elected without opposition a member of the house of delegates, where he served for two years. He was a member of the "jury" court and subsequently judge of the orphans' court, which office he held at the time of his election as governor of the state. He also served twice as an elector of the senate of Maryland.

In the fall of 1829 Thomas King Carroll was elected governor over Daniel Martin, who was then in the executive mansion, and he was inaugurated on January 15, 1830. The legislative elections in the state, however, changed the complexion of the general assembly, and when the two houses were ready to ballot for a governor in the fall of 1830 the democrats were in the minority, and so Daniel Martin was reelected. In consequence the term of Governor Carroll covered only twelve months, and he relinquished the gubernatorial office to Martin on January 13, 1831. Like Governor Martin, Mr. Carroll was hindered because of the brief period in which he was in office from accomplishing anything of great moment as a monument to his administration. He was the advocate of certain theories and principles, however, which somewhat distinguish the governor, if not the governorship.

Mr. Carroll was much opposed to the prevailing tendency toward military display. In this he showed himself democratic, and at the same time gave evidence of being a

practical man, for his chief complaint against the thing deplored was that it drew large crowds from their labor and resulted in dissipation. And yet Mr. Carroll personally was not democratic. He was a proud and sensitive man who was ceremonious even in his family circle and had a dignity of carriage which called forth the greatest consideration and deference wherever he appeared. He was intellectual and patriotic, and in all that he did or sought to do his intellectuality and patriotism were revealed; but he lacked woefully the aggressiveness and self-seeking of the average politician. It is said that certain leaders in the legislature were conferring with a view to placing Mr. Carroll in nomination for the United States senate, when a supposed friend took it upon himself to declare that Mr. Carroll would not accept the honor. There was but one man who could have resurrected the matter thereafter, but that one chose rather to be silent.

Governor Carroll gave much thought to the subject of education. He joined the movement to improve the academic department of the University of Maryland, and he was an advocate of an educational system in Maryland. He was also a man who appreciated the worth of history, and suggested to congress that provision be made for copying such Revolutionary records as were in the English libraries. He labored in behalf of the veterans of the Revolutionary war, aiding them in their efforts to receive much-needed assistance from the federal government. He also gave much thought to the question which was soon to prove a pitfall to the American nation, and his studies of slavery led him to join those who favored a policy which would colonize the negroes and free the states of their black burden. Shortly after his retirement as governor he was elected a member of the state senate, but declined to accept the office. Although he had been a stanch supporter of Jackson, he after-

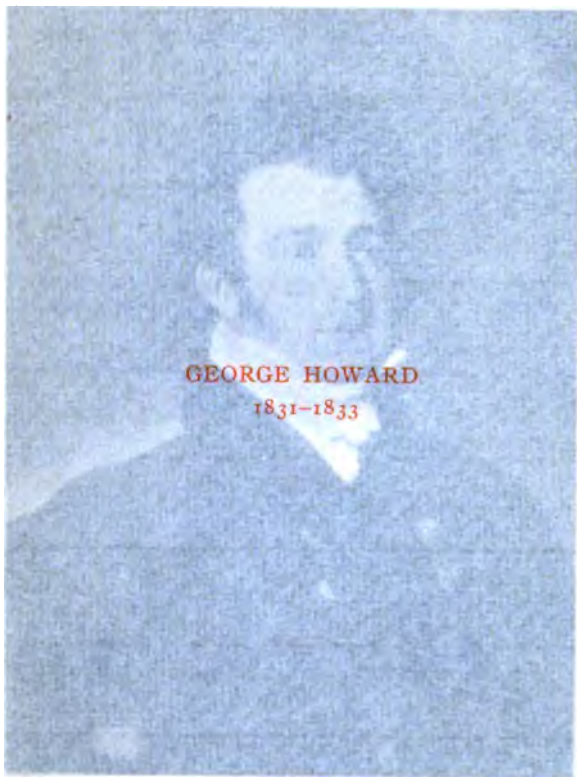
ward differed with "Old Hickory." and in consequence of their rupture joined the supporters of Henry Clay.

Ex-Governor Carroll retired to Kingston Hall at the close of his administration, where he lived until 1840, when he removed to Dorchester county, taking up his residence on a large estate near Church Creek. Governor Pratt, who became governor of Maryland in the forties, appointed Mr. Carroll a lottery commissioner for Maryland, and when General Taylor became president in 1849, he appointed Mr. Carroll naval officer of the port of Baltimore. Mr. Carroll died at an advanced age on October 3, 1873.

## GEORGE HOWARD

Because of the great defect in Maryland's early constitution, which made possible a yearly change of governors, the state experienced within the period from January, 1829, to January, 1833, four separate administrations. Daniel Martin, a legislator of large promise, entered the executive mansion in January, 1829, and inaugurated a policy which might have made his administration memorable; but the constitution permitted Mr. Martin's removal after he had served only one year. He was succeeded by Thomas King Carroll, a deep thinker and a wise counselor; but again the constitution opened up a way for denying the state much good from Carroll's administration. The federalists, having again won control of the legislature, turned Governor Carroll from office at the close of his first term and Mr. Martin was reinstated. For the next change of administration the constitution was not responsible. Martin died in the first year of his second administration, and left open the way for a new governor. George Howard, his successor, was the least promising governor of the three who occupied the executive mansion during these four short administrations. Consequently, by his retirement the state, to all appearances, lost less because of its constitutional weaknesses than when Mr. Carroll and Mr. Martin failed of reelection. Governor Howard did not lack the ability to make an able executive, nor did he lack the morality to give the people a clean administration; his greatest fault was his disinclination to be governor and as soon as his conscience would permit it, he stepped out of the governor's office back into

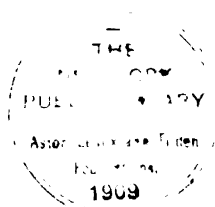








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private life, where he continued with only occasional and slight interruptions until the time of his death.

George Howard was born the son of a governor of Maryland. His father, John Eager Howard, had served with great distinction in the Revolutionary War and was elected chief magistrate of Maryland the year before his governor-son's birth. General Howard had married Miss Margaret Chew, and to them was born, November 21, 1789, George Howard. By his schooling, as well as by his disposition, young Howard seemed destined for a private rather than a public career; he was not possessed even in a small way of that ambition to lead which characterized his more famous brother, Benjamin Chew Howard. He received his education from private tutors at his father's estate of Belvedere, in Baltimore county, where he spent his early years. Through his association with General Howard, who was a hearty supporter of the federal party, it was but natural that he should imbibe federalistic doctrines, and he became an uncompromising federalist. His father had purchased a tract of land in Anne Arundel county near Woodstock, which was later incorporated into Howard county, and this place was presented to the son, who, on December 26, 1811, married Miss Prudence Gough Ridgely, a daughter of Charles Carnan Ridgely, of Hampton. They took up their residence at Waverly, Anne Arundel county, where a large family was reared. His children were a deep concern to Mr. Howard, who, upon being elected governor of Maryland in 1832, asked the legislature to be lenient with him as to the time when he should appear to qualify, as he was detained at home by the indisposition of his family.

During the years that the Howards lived at Waverly they do not seem to have become prominent in public affairs to any marked extent. In fact, practically the first

appearance of any moment which the future governor made in public life was when he became a member of the council named to advise Governor Martin. This council was elected a few days after Daniel Martin was chosen governor and began its service in January, 1831. Howard was a great admirer of Martin and it is possible that his friendship for the governor was the greatest inducement in the way of persuading him to become a state official. Governor Martin died early in July, and Mr. Howard was suddenly brought into considerable prominence. At the meeting of the executive council, on July 22, 1831, he was called upon to assume the robe of his fallen chief, and it was with every evidence of sincerity that he declared he accepted the office solely because the death of Martin imposed upon him public duties from the due exaction of which he did not feel himself at liberty to retire. The short governorship which followed, covering the period from July 22, 1831, to January 17, 1833, presents an administration which is somewhat different from that of any other Maryland governor. Mr. Howard at no time during his occupancy of the executive mansion seemed quite able to understand fully that the governor of Maryland and himself were one and the same man. He was forever standing aloof, surveying his administration more as a disinterested spectator than as the chief actor. He constantly brought to mind of others the fact that he had merely taken up the reins of government because the chosen chief had let them drop from his hands and he did not often seek to impress his individuality upon state affairs. What others had started he continued, but always, confessedly, as he thought they would have continued it; and not infrequently he refrained from giving expression to his own sentiments upon the plea that his predecessors in office had given expression to about the same sentiments. He was in truth the pilgrim

governor, never for one moment losing sight of the fact that his governorship was transient.

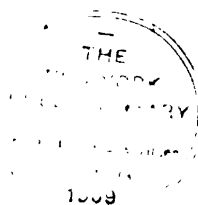
There were, of course, times when his individuality asserted itself. He was bitter, for instance, in his public denunciations of President Jackson because the latter did not approve of certain improvements which the general government was requested to make in Maryland. But Governor Howard was greatly influenced in his attitude toward "Old Hickory" by the difference in their respective political faiths. Then, too, Mr. Howard was an uncompromising foe of lotteries, by which, in the name of charity, the people gambled legally. Churches were built, colleges endowed, and monuments raised through the proceeds of public lotteries. He favored an entire suppression of lotteries, that "constitute a system of gambling, which, although licensed, is extremely prejudicial." Himself a large slaveholder, he was a hearty supporter of such legislation as would secure to the owner of bondmen full enjoyment of their property. He was, however, favorable to the movement which had as its purpose a colonization of the negroes in Africa, and hoped that some day it might succeed in "the restoration of the whole of our colored population to the land of their forefathers." In the early forties Mr. Howard was instrumental in bringing slaveholders of Maryland into an organized body for the purpose of seeing that the fugitive slave law was enforced.

The unexpired term of Governor Martin, which was filled by Mr. Howard, terminated in January, 1832, and on the second day of that month the legislature nominated George Howard for governor, and he was chosen by a much larger majority than had been given his predecessor. Of the 82 ballots cast Mr. Howard received 64; 5 were given to Nicholas Brewer, and 13 blanks were voted. During this full term Governor Howard received from the legislature

of South Carolina certain documents bearing upon that state's proposed course of nullification. He had been taught from childhood not to shrink from responsibility in the expression of his opinion, whenever such opinion seemed to be called for, and he went after the leaders of South Carolina with a right good will. "The spirit of insubordination" which showed itself in "the deluded people" of a sister state he labeled as a wickedness which could be thought of only "by desperate men or unfortunate maniacs."

As was natural for a man brought up in the way that George Howard had been, he was somewhat impulsive and, consequently, frequently forced to change his views upon public questions after giving the subject less passionate and more reasonable consideration. He was first opposed to the state bank as a substitute for the bank of the United States, which Jackson refused to recharter, but subsequently he became a hearty supporter of this institution. He discussed the subject of public education, but in his haste advocated that the state endow a few colleges, as if that would supply the need for general free schools. At the close of the term for which Governor Howard was elected he declined to stand for another term, and James Thomas was chosen state executive in January, 1833. Mr. Howard subsequently appeared as a presidential elector in 1836 and 1840 in support of Harrison, the whig, for president. He also took part in the slavery agitation in the late thirties and the forties. But his life after his retirement from the executive mansion was in general quite as uneventful as it had been before his governorship, and was brought to a peaceful end at Waverly, on August 2, 1846.







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GAZETTE OF INDIA  
PART II

THE  
MINISTRY OF  
HOME AFFAIRS  
GOVERNMENT OF INDIA  
NEW DELHI  
1954

**JAMES THOMAS**

**1833-1836**

## JAMES THOMAS

In making a word-picture of some public men an outline of their ancestry is not only unnecessary, but detrimental, for it weakens the effect of the character studied. This is natural, since many distinguished personages have sprung from commonplace parentage, and many more have had as their most marked traits characteristics that were not apparent in the make-up of their forebears. In like manner, when producing a word-portrait of some public men an account of their early environment is not requisite, because their development from ordinary into extraordinary characters seems altogether independent of any contribution from their childhood surroundings. But these rules are not applicable to a biographical sketch of James Thomas. He was descended from the Calverts. He was born and reared in staid old St. Mary's county. And viewed without the desirable background of ancestry and early environment, Mr. Thomas may seem in his public career less progressive and advanced than some of the public men of his time. Include, however, this background, and his personality becomes reminiscent of the more distinguished of Maryland's statesmen in colonial days.

James Thomas, son of William and Catherine (Boarman) Thomas, was born at De la Brooke Manor, St. Mary's county, on March 11, 1785. On his maternal side he was related to Commander Robert Brooke, the adventurer, who came to America in 1650, and built the mansion in which the governor was born. Young Thomas was entered at Charlotte Hall Academy, from which he was graduated

in 1804. He later went to Philadelphia, where he studied medicine, receiving his doctor's degree in 1807. Dr. Thomas then returned to his native county, where he began to practice his profession, and early the next year he was married to Miss Elizabeth Coates. For some years thereafter he devoted his attention chiefly to his chosen profession, and his practice made substantial gains in extent. Upon the outbreak of the second war with England, however, Dr. Thomas left his fireside to take up arms in his country's cause, and was commissioned major in the Fourth Maryland Cavalry. Because of meritorious service he was subsequently brevetted major-general.

After the war—say 1815 to 1820—Dr. Thomas was chiefly a practitioner, but his daily journeyings about the country afforded him opportunity for studying the political field of his own county, and he finally determined to enter politics. In 1820 he appeared as a candidate for the general assembly. This appearance as a political factor marked the broadening of his activities, since for many years thereafter he was more or less constantly in public life. Dr. Thomas was elected to the house of delegates in 1820, and was several times reëlected, so that his membership in the lower branch of the legislature continued from 1820 to 1826. He closed his career as delegate to enter upon the more important duties of state senator, in which capacity he served for five years.

Throughout the legislative career of Dr. Thomas, the country generally and Maryland particularly were concerned with the subject of internal improvement. The people had gone mad about canal cutting and railway building, and Dr. Thomas had been an ardent champion, in the house and in the senate, of all measures that looked for state aid to transportation lines either begun or planned. It was, perhaps, as much his record as a supporter of internal improvement enterprises as anything else that recom-

mended him to the legislature for governor of the state when George Howard, in the opening month of 1833, refused to stand for reelection. Mr. Thomas was elected governor in 1833, and he was reelected in 1834 and 1835. No special significance, as far as he is concerned, attaches itself to the fact that at the time of his first reelection—1834—his majority was very meager. That the whigs were able to give their nominee but 48 votes out of a total of 95 was due to a temporary disfavor of whiggish principles rather than to any fault with the state executive, and a year later—1835—Governor Thomas received 67 out of 83 votes.

It is in the governorship of Mr. Thomas that the background of both his ancestry and his early training are most essential. In his demeanor there was a touch of formality, a ceremoniousness that in years gone by distinguished the landed gentleman from his less prosperous fellowmen. And in his thoughts, his utterances, and his doctrines there come to the surface, now and again, suggestions of the academic statesman. In short, the historical student will occasionally be led to believe that Governor Thomas gained his views upon life from books rather than through intimate association with his fellowmen. The real points of importance, however, in his administration—extending from January 17, 1833, to January 14, 1836—are hinged upon matters of internal improvement. Some of these matters are commendable, some are censurable, but all were doubtless inspired by the desire of developing the agricultural and commercial possibilities of the land, and thereby enriching the people.

First credit in the Thomas governorship must be given to the termination of the war between the Chesapeake and Ohio canal interests and those back of the Baltimore and Ohio railroad. The administration was influential in bringing about this peace, which meant much to the success

of the railway undertaking, at least. There had sprung up a rivalry between the two enterprises, and the canal people did everything in their power to block the way of the railroad. Without resorting to the harsh measures that had been suggested by Governor Howard as being necessary to compel the canal interests to comply with the instructions of the legislature, an amicable condition was brought about which made it possible for the Baltimore and Ohio to shove its lines westward. Governor Thomas was also somewhat responsible for the state giving some \$2,000,000 to the Chesapeake and Ohio, and \$1,000,000 to the Susquehanna railroad (later made part of the Northern Central railway.) The first contribution bore the state no benefit, though of course this could not be foreseen at that time; but the general cause for which both subscriptions were made was later to prove beneficial to Maryland. Dr. Thomas persistently advocated, both as a member of the general assembly and as governor, a more extended and a more efficient system of public education. It was during his administration that the first geological work in Maryland was started and the map produced at that time possesses considerable historical value inasmuch as it restored the original names to many places whose historical identity had very nearly been lost.

Like his whig predecessors and successor in office, Dr. Thomas was a political foe of President Jackson. He advocated liberal internal improvement at the expense of the state or nation, while Jackson opposed the employment of public funds for building transportation lines for private corporations. President Jackson and Governor Thomas also differed upon the question of banks; and here a passing word should be said regarding the failure of the Bank of Maryland during the Thomas administration. The stock of this institution was quoted at \$500 a share—although its



par value was but \$300—up to the very eve of its failure. The collapse of the bank disclosed the fact that its securities had been manipulated at the expense of the people; yet for a year and a half after the failure the small creditors waited patiently for an accounting. At last the populace took matters into its own hands, and, beginning on August 6, 1835, there were several days of rioting and mob-rule in Baltimore. The houses of those held responsible for the bank's downfall were broken into and the torch was applied to both furnishings and buildings. Finally Governor Thomas called upon the United States government for troops with which to end the riot, and the rioters were dispersed, but not until more than a hundred thousand dollars' worth of property had been destroyed. This incident prompted Governor Thomas to take measures toward having a reliable state militia established.

Governor Thomas was succeeded in 1836 by Thomas W. Veazey, the last of the whig governors. He retired to his home at Deep Falls, St. Mary's county, where he passed the remaining years of his life. He died on Christmas Day, 1845.

## THOMAS WARD VEAZEY

Maryland's first state constitution was adopted in 1776—the same year in which the colonies declared their independence of England—and continued in force until 1851, when the second constitution was adopted. In the mean time, however, the earlier governmental instrument underwent radical modification, notably by a more liberal granting of the elective franchise to the free citizens and by an amendment which took the election of governor and state senators from the legislature and electoral college, respectively, and gave it to the voters as a whole. To whom honor for this latter move toward republicanism properly belongs is uncertain: the democrats, then known as republicans, had advocated such a change long before it was effected; but on the other hand, the whigs—opponents generally of any move toward liberal democracy in government—were the ones who actually accomplished the change in 1838. That they were forced to accede to the general clamor for some such reform is but a half truth, although it must be admitted that the public demand was never so insistent as at the time when the reform act, which brought about the new order, was adopted. The apparent paradox of the situation—the foes of republicanism granting the state a more republican government—is explained by the fact that the whig who was state executive at that time was a strategist, for it was solely by strategy that Governor Veazey, born enemy that he was of real democracy, succeeded in writing himself down as a patron of truly democratic government.

THOMAS WARD VEAZEY

1836-1839

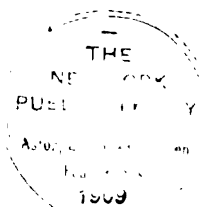
*Journal of Management Education* 30(6)

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Long before the state had thrown off her allegiance to England the Veazeys had become prominent in the affairs of the Eastern Shore of Maryland. The immigrant progenitor of the family was John Veazey, originally from Essex county, England, who came to America and finally settled in Cecil county, where he purchased in 1687 what is known as Cherry Grove. Edward Veazey, father of the governor, was a planter of Cecil county, who served as colonial high sheriff from 1751 to 1753, but otherwise remained in private life. His youngest son, Thomas Ward Veazey, was born on January 31, 1774. The father died while the boy was in his childhood; and his mother, who before marriage had been Miss Elizabeth De Coursey, also died before he had attained his majority.

Mr. Veazey received his primary education in Cecil county, but later went to Washington College, where he completed his studies. Upon leaving college he returned to his home and became a planter. From early manhood he took an active part in the public matters of his section and, with increasing years, his interest in matters of public concern expanded so as to include the affairs of both the state and the nation. In 1808 and again in 1812 Mr. Veazey was a presidential elector. In 1811 he was elected a member of the house of delegates from Cecil county and in the following year was reelected. During the second war with England, however, he forsook the general assembly that he might take part in the conflict, and was in command of the forces which engaged in the defense of Fredericktown, Cecil county, when that place was attacked by the British. He served later as lieutenant-colonel of the Forty-ninth Maryland Regiment. After the close of hostilities Mr. Veazey was not much in the public eye until 1833, when he again assumed a place in the council halls of the state. At this time he was chosen as a member of the

council of James Thomas, governor of Maryland, and was reelected to the council in 1834.

At the close of Governor Thomas's administration, the whigs of the legislature named Mr. Veazey as candidate for governor, and the Cecil countian received 53 of the total of 76 ballots cast, the remaining 23 tickets being blanks. The first impression made by the Veazey administration was favorable. The eight-million-dollar bill, introduced in the legislature in 1835, was passed at a special session of the legislature in June of 1836, and upon its passage the people, unconscious of the bankruptcy which was to follow the state's reckless contribution to private enterprises, engaged in jollification throughout the commonwealth. The governor was feted and toasted, and everybody thought that a most notable thing had been accomplished because Maryland gave to the Baltimore and Ohio, the Chesapeake and Ohio and several other companies sums aggregating \$8,000,000 that were not in the treasury.

Just three days thereafter, however, or on June 6, 1836, the so-called reform convention met in Baltimore and discussed the necessity of changing the state constitution. Among the resolutions passed was one recommending the people of the counties and cities friendly to amending the constitution to elect at the next October election delegates pledged to introduce and support a bill to provide for taking the sense of the people on the question of such reform. That a majority of the people of Maryland desired a change in the constitution is certain; that that majority was then able to secure such a change is, nevertheless, questionable, because of the manner of electing state senators, who were not chosen directly by the people, but by an electoral college. Representation in this college was not in accord with the population of the various sections. Each county had the privilege of choosing two



electors of state senators, while Baltimore city was permitted to name only one member and a like privilege was also granted to the small city of Annapolis. As a result of this inequitable arrangement a majority of the least populous counties of the state could by combination name the entire state senate, which was elected for five years.

In the election of 1836 for members of the senatorial college there were chosen 21 whigs and 19 democrats. The 21 whigs represented 85,179 constituents, while the 19 democrats represented 205,922. Thus it will be seen that the representatives of a little more than one-fourth of the people had a majority in the electoral college; the whigs however, lacked enough votes to have absolute control, as it was required that at least 24 ballots should constitute a quorum in the electoral college. Frederick county had instructed its electors that unless they could get the whig members to agree to name out of the fifteen men for state senators at least eight who were favorable to constitutional reform, they should refuse to go into session, provided, of course, they could get the other democratic members to act with them. The whigs refused to concede to this demand, and in consequence the democrats returned to their homes, without having gone into session, believing, as they did, that they had prevented the creation of a general assembly and hoping by some general convention to oust the whigs from power. But Governor Veazey calmly announced that since the electoral college had failed to elect a new senate, the old senate constituted the senate of Maryland, and that it should continue to do so until its successor was lawfully elected. At the same time he instructed the old state senators to assemble at Annapolis to discharge their duties until they should be superseded by legally elected successors.

This was Governor Veazey's masterstroke. A man with

less courage than he would have faltered; a man with more passion would have gone too far. He went just far enough to rouse the people of the state to his support. Realizing that they had blundered, the bolting democrats returned to Annapolis; the electoral college went into session and a new state senate was elected. At this postponed election Mr. Veazey made his second masterstroke when he himself suggested to the legislature that the constitution be changed. Upon the reassembling of the electoral college fifteen whig senators were chosen, and thus the general assembly became even more strongly whig than it had been at the beginning of Governor Veazey's administration.

At the annual election for state executive on January 2, 1837, Mr. Veazey's name was the only one presented. Of the 81 votes cast he received 70. During the second year of his administration, however, the people of the state returned to their earlier political faith, and although Governor Veazey was reelected in 1838, he received only 52 votes of the 81, while 24 members of the legislature voted blanks and 5 votes were for other candidates. The gubernatorial election in 1838 marked the last time that the general assembly elected a governor for a full term. In the fall of 1838, in accordance with the amendment to the constitution the chief magistrate of the state was chosen directly by the people. The state senate was also reorganized, there being one senator from each county and one from Baltimore city, and the senators were chosen directly by the people, while the senatorial electoral college and the governor's council were both abolished.

The administration of Governor Veazey was brought to a close in the opening days of January, 1839, when he was succeeded by William Grason. He retired to his Cecil county plantation, where he passed the closing years of his life. He had been married three times, and a large

family was sheltered under his roof in the latter part of his life. His first wife, to whom he was wedded in 1794 was Miss Sarah Worrell, of Kent county, who died in the following year, leaving to his care a little daughter. His second wife was Miss Mary Veazey, the governor's first cousin; she died in 1810, leaving a family of children. In 1812 Mr. Veazey married Miss Mary Wallace, of Elkton, by whom he was the father of five children. The public question in which Governor Veazey was, perhaps, most interested was calling forth heated discussion at the time of his death, which occurred on July 1, 1842. Had he lived longer he would doubtless have played an important part in the antebellum strife of debaters, for he was a large slaveholder, an uncompromising foe of abolition and an ardent supporter of the doctrine of states' rights.

## WILLIAM GRASON

Of all the sorts of men that go to make up the human family, there is none more discredited, less loved, or as much abused as the clan of Jeremiahs. Their office of lamenting strikes no responsive note in the average bosom, for they see only the ills of the world, while the people are striving to forget that there is aught of unpleasantness in life. The ordinary man finds a mountainous argument in favor of optimism in the mere fact that it is more cheerful than pessimism; and therefore the painstaking being who has smoked his glasses that he may see the truth clearly is either shoved to one side by the masses or greeted with derision, while he who wears the rose-tinted spectacles has ever at his heels a respectable mob. The people of Maryland in the first half of the last century were chiefly optimists, although the course which public affairs were taking then was destined to lead to financial disaster. It seems inconsistent, therefore, that they should have chosen as their first popular governor a pessimist, for Mr. Grason throughout his administration seldom emerged from the rôle of a political Jeremiah. The fondest delusions of the people he shattered as easily as one might prick a bubble, and the thing which had for years been worshiped as prosperity he labeled "failure." As governor, at least, Mr. Grason was a destructionist; but the result of his efforts along this line were more beneficial to Maryland in the long run than many times as much constructive work of his predecessors.

William Grason was born at Eagle's Nest, on the Wye river, in 1786. His father, Richard Grason, was a farmer. The

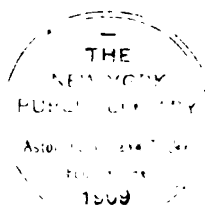
**WILLIAM GRASON**  
**1839-1842**

construct

**William Grason** was born in 1786. His father, Richard



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boy received his elementary education in the neighboring schools on the Eastern Shore, but later was sent to Annapolis, where he entered St. John's College. His intimacy with the sea during boyhood had developed in the youth an inclination for the life of a sailor, and after completing his course at St. John's, Mr. Grason entered the United States navy as a midshipman. His connection with the navy, however, did not continue for long, and he soon returned to his home, with his back forever turned upon the career of a sailor. In 1812 Mr. Grason was married to Miss Susan Orrick Sulivane, daughter of James Bennett Sulivane, of Cambridge, and the young couple settled near the Dorchester county home of the bride. After two or three years, however, Mr. and Mrs. Grason returned to the native county of the future governor, and here were spent the remaining years of his life, except when his gubernatorial or legislative duties carried him to Annapolis. Mr. Grason was very much of a homeman. Although he filled a number of public offices and showed a disposition to fill more, he nevertheless was happiest when amid home surroundings. He followed the rather unpretentious calling of a farmer; but in manners and in intellectual development he was as far from the common conception of the old-time farmer as "Log-cabin and Hard-cider" Harrison was from the things which were associated with his name in his presidential campaign.

In early years Mr. Grason had been a member of the federalist party, and in later years one of the arguments used against him as democratic candidate was the fact that he had been with the federalists in their opposition to the war of 1812-15. But the charge, although partly admitted, did not accomplish his defeat. Indeed, his ardent advocacy of the chief doctrines of President Jackson was able to overcome all doubts as to his right to appear

under a democratic standard. The two legislative tickets in Queen Anne's in 1828 were made up of Jackson and anti-Jackson candidates respectively. Upon the former was included the name of William Grason, and in the election this candidate received the greatest number of ballots of any of the members chosen to the lower house of the general assembly. In the following year he was again nominated, and once more outdistanced his fellow candidates. Mr. Grason was chosen an elector of state senators in 1831, and two years later he appeared as a candidate for nomination for congressman. When the democratic delegates of the several counties met to nominate a candidate, the Queen Anne's members were for Mr. Grason; but the other delegates gave preference to John T. Reese, of Kent, and the latter was named. Before the election, however, Dr. Reese, died, and another convention had to be called. Queen Anne's delegation had now deserted Mr. Grason, for Richard B. Carmichael, who was nominated and elected. Mr. Grason was the nominee for congress of the Jacksonian party in 1835, but was defeated by the whig candidate, James A. Pearce, who was elected by a majority of 123 ballots. Nothing daunted by his failure first to get the congressional nomination and then to win the election, Mr. Grason appeared in 1837 as a candidate for the state legislature, and received the greatest number of votes of the four successful candidates in his county.

The state constitution as amended by the reform act, provided that the governor should be chosen by the people instead of the legislature, after 1838; and the term was to be for three years, which had come to be the customary time in office of most governors elected under the one-year term provision. The state was divided into three gubernatorial districts: the Eastern Shore; Baltimore city and the southern counties; and Harford, Baltimore and the western

counties; and each of these districts was to have a turn in naming the candidates. In the spring of 1838 the democrats nominated William Grason for governor, while the whigs named John Nevett Steele, of Dorchester county, thus making the first popular gubernatorial candidates representatives of the Eastern Shore district. The contest was one of excessive bitterness and vilification, and throughout the campaign charges of dishonesty and fraud and corruption were lodged against anybody and everybody who chanced to get into the contest. Mr. Grason was elected by a scant majority of 311 votes in the entire state, and was inaugurated on January 7, 1839. But the legislature was slightly whiggish in complexion.

From inauguration day until his term expired, Governor Grason's voice gave expression to one endless jeremiad. First of all, the people of Maryland had engaged recklessly in appropriating public funds, which had to be raised by loans, for internal improvements, and they had never for a moment considered that there would come a time when both interest and principal would have to be paid. The people had known only a light taxation for the current expenses of the government, and the mere suggestion of imposing a tax for the purpose of taking care of the obligations thus unwisely incurred aroused the masses to a state of bitter opposition. As his initial greeting to the legislature Governor Grason took up what he said would be the problem demanding the general assembly's most earnest thought—Maryland's pecuniary embarrassment. He pointed out how the public debt had been increased, and how it promised to continue to grow unless a radical change of policy was made, and he called attention to the necessity of guarding against "an increase of existing evils, and of providing, if possible, for the gradual redemption of the public debt." He combated the arguments of those who favored repudiation rather

than tax an unwilling people, by declaring that the debt had "been contracted, and confirmed by successive legislatures sanctioned by the people themselves, in the continued reflection of representatives who were most prominent in creating it, and the obligations of the state are in the hands of men who relied upon good faith, and whose borrowed money has been expended on her works. It is impossible to question the validity of the debt, and unreasonable to plead inability without first making an effort to discharge it."

There was no more unpleasant truth that Governor Grason could have uttered to the people of Maryland, who were seeking to devise some means by which to escape the large public debt which had been accumulated. When the people suggested that the national government turn over certain moneys obtained from public lands, he showed how unreasonable and unconstitutional such a course would be and advised that, instead of planning to escape their obligations, the people of Maryland should meet them bravely and promptly. In his message of December, 1840, Governor Grason sets forth in some detail the way in which the financial troubles then oppressing the state had been brought about, and also how they might in his opinion be removed. And finally, while the words in praise of the amended constitution, uttered by Governor Veazey, were still echoing through the state, Governor Grason made the rather melancholy observation that "No one can tell what the constitution is, or where it is to be found."

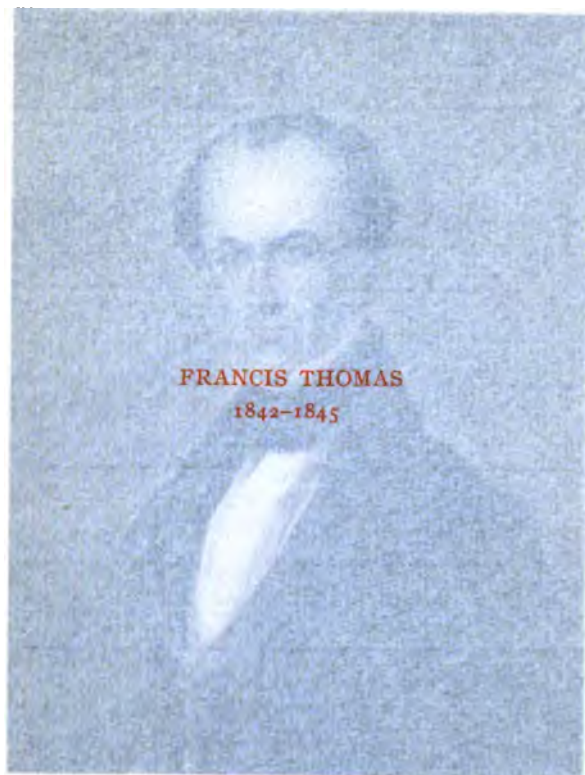
He repeatedly arraigned the whigs for the burden they had brought upon Maryland, and the fact that the legislature was whiggish never suggested to him the need of concealing his displeasure at the blunders of his political opponents. After his retirement on January 3, 1842, Mr. Grason returned to his Queen Anne's farm. In 1850, he was nomi-

nated by the democrats of Queen Anne's for the constitutional convention and helped to frame the constitution of 1851. In that year, 1851, ex-Governor Grason was nominated for the state senate and he once more showed his popularity in his home county by polling more votes than any of the other candidates voted for at the election. Six years later he was again candidate for the upper house of the general assembly, but was defeated by the knowing nominee, Stephen J. Bradley. Queen Anne's county became much wrought up over the presidential campaign of 1860, and when Lincoln's election was announced, the countians began to discuss means of self-protection. How strongly the county was against the republican candidate is shown by the fact that Lincoln received not one vote in all Queen Anne's. A delegation was appointed by the county to take part in a conference of leading Marylanders, to be held in Baltimore in January, 1861, to determine what course Maryland should pursue in the "emergency," and Mr. Grason was one of this delegation. He was chosen president of the convention, but was unable to preside. Governor Grason was now getting well on in years, and his ill health prevented him from taking the active part in public affairs which he had taken when a young man. He spent the closing years of his life on his Queen Anne's farm, dying on July 2, 1868, at the age of eighty-two.

## FRANCIS THOMAS

Caesar, Brutus, Antony—each in turn sways the masses, and under the momentary spell of his influence what the people said and thought and did yesterday is made of no effect by what the same people say and think and do today. It has always been so; it is so now; and it ever will be so—public sentiment is as restless as a fluttering humming-bird. In the early part of the whig administration of Governor Veazey, a few senatorial electors sought, by somewhat revolutionary methods, to accomplish a reform for which three-fourths of the people were clamoring. But Mr. Veazey—really a representative of the remaining one-fourth—by a fine bit of strategy brought many of his political enemies to his support, and led the people generally in a charge upon the very leaders, who a short time before had been their champions. And Governor Veazey triumphed and was reëlected, while the once-favorite electors were labeled as revolutionists and dangerous men. This occurred in 1837-38; but just a few years later, 1841, the chief of the discredited leaders of the former revolt came before the people for their votes, offering neither justification nor apology for his earlier action, and straightway the masses flocked to his standard and made him governor of the state. With this election there entered the company of Maryland's chief magistrates one of the most remarkable men who has been honored by the commonwealth with public offices—Francis (or Frank) Thomas.

Francis Thomas was born in Frederick county on February 3, 1799, the seventh child of Francis and Nelly



108 (1871-1872)

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### REPORT SUMMARY

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

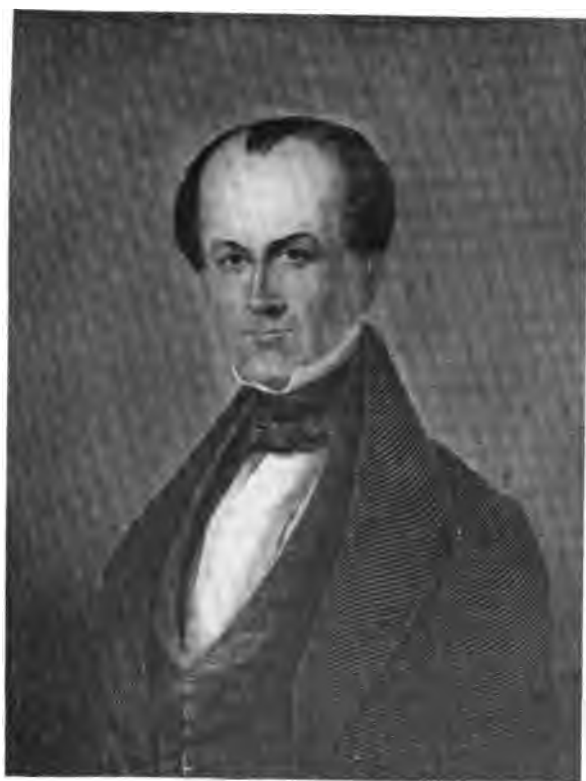
3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress to ensure that the project is on track.

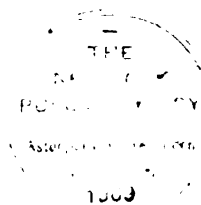
5. The final step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and goals and identifying any areas for improvement.

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(Magill) Thomas. At the age of twelve he became a student at St. John's College, Annapolis, where he continued for some time, although he was not graduated. He later prepared himself for the legal profession and was admitted to the bar of Maryland in 1820. Mr. Thomas set up an office as a counselor-at-law at Frederick and succeeded in acquiring a large and profitable clientele in the Western Maryland counties. Just about two years after his admission to the bar he appeared as a democratic candidate for the house of delegates. Although the people of the western counties were perhaps inclined to the federalist, or whiggish, doctrines on most points, rather than to the democratic creed, it was at this time that some little importance was being attached to the question of readjusting the apportionment of representatives in the general assembly. The federalists were unfavorable to a policy which would regulate legislative representation according to the population, because that would give the cities too much power, while the democrats were advocates of just such a readjustment of representation. As Frederick county was one of the divisions which would profit most by a change in the apportionment, it readily fell into the democratic ranks. Francis Thomas was strongly, even violently, in favor of cutting down the existing power of the federalists, and he was elected a member of the house of delegates.

He again appeared as a candidate for the legislature in 1827 and in 1829 and was successful in both campaigns. During his last term in the house Mr. Thomas served as speaker and in the following year he was nominated for congress and elected. Four times thereafter did he come before the people of Western Maryland as a candidate for the house of representatives, and each time he was chosen to the coveted office. This gave him an unbroken service in the lower branch of the national legislature from December 5,

1831, when he took his seat, to March 3, 1841. During a short part of this time, from 1839 to 1840, Mr. Thomas was president of the Chesapeake and Ohio Canal Company. It was also during his congressional career that he led the electors who revolted. The senatorial electoral college was made up at that time of 21 whigs and 19 democrats. Frederick county had instructed its members not to go into session for electing state senators unless the whigs would previously agree that at least 8 of the 15 senators to be chosen were men known to be favorable to constitutional reform. Congressman Thomas took charge of the democratic electors, but the plan miscarried and the men who had sought to carry out the people's wishes were labeled revolutionists and unsafe agitators. The movement, however, was succeeded by amendments to the constitution, reorganizing the executive and legislative departments of the government.

When the democratic state convention met in 1841 to nominate a candidate for governor to succeed William Grason, Francis Thomas was named. He was the second democratic gubernatorial nominee under the amended state constitution, and his opponent, according to the provision of the constitution which gave to each of the three gubernatorial districts of the state a turn in naming the candidates, also came from Western Maryland, or the north-western district, and was William Cost Johnson. In the election Mr. Thomas was chosen governor by a majority of 621 votes. He was inaugurated at Annapolis on January 3, 1842—his term to continue for three years thereafter. Around this period of Thomas' career clusters the greatest activity of his life. First of all, his nomination was in every sense an opportunity for promotion, and the nominee regarded it as the biggest battle of his political career. He went into it with a vim and determination that were not

common, and he electioneered throughout the state. In Hagerstown he encountered William Price, a distinguished fellow member of the bar, and the pair had a heated discussion upon the political issues. The impetuosity of Governor Thomas is here somewhat revealed by the fact that as a result of a disagreement the candidate for governor felt called upon to engage his opponent in a duel.

Contemporaneous with Mr. Thomas' nomination, election, and inauguration as chief magistrate of Maryland were his ill-advised venture into matrimony, disturbed honeymoon and his rupture with his bride of a few weeks. The story of this domestic tragedy has been preserved in minute detail by Governor Thomas, who in a frenzy of anger published a pamphlet, in 1845, in which he laid bare with unparadonable brutality his relations with the woman who had been his wife. The unfortunate alliance had been the result of an unusual wooing between the Maryland statesman and Miss Sally McDowell, a daughter of Governor James McDowell, of Virginia. Miss McDowell was a girl of fifteen when Mr. Thomas, then a member of the house of representatives, met her in Washington, while he was thirty-seven years of age. In vindication of his subsequent conduct, when he later exposed every detail of his relations with the girl both as sweetheart and as wife, he sought to make it appear that he had been influenced into marrying her; such a defense, however, was altogether to his discredit. At all events, on June 8, 1841, when Mr. Thomas was forty-two he married Miss McDowell, aged twenty. But within a few days he began to entertain very uncomplimentary suspicions of his wife. He seems to have been constantly upbraiding her for either frivolity or greater offenses, and he was ever ready to demand that she return to her home until her old bachelor husband might become convinced that she was everything that he hoped. This mere sug-

gestion was as unusual as it was insulting, and yet Mr. Thomas never seemed to be able to understand why Mrs. Thomas would not comply with his demands. Finally her relatives came and took her under their protection, and then Mr. Thomas began a long struggle to regain possession of his wife. Subsequently, Mrs. Thomas obtained a divorce and became the wife of Reverend Mr. Miller, an esteemed Presbyterian minister of Philadelphia.

During the three years that Francis Thomas administered the affairs of the commonwealth he was, of course, laboring under the worry and cares that his estrangement had naturally imposed, but these trials did not cause him to shirk in the smallest degree the duties which his election had placed upon him. He appreciated the fact that the people of Maryland had chosen him as their governor, and he strove constantly and successfully to show himself a big enough man to act faithfully in that capacity, despite his domestic troubles and delusions. Governor Grason, who preceded him, had throughout this administration sounded warnings to the people that the course which public affairs had been permitted to take would terminate in financial disaster. Governor Thomas was likewise opposed to the reckless employment of state funds for private or semi-public enterprises and continued the work of lamenting where Mr. Grason had left off.

Governor Thomas acknowledged the endeavors of the immediately preceding administration to remedy existing evils, and yet he could only report that the means devised had proved inadequate. He suggested certain ways in which he believed that the burden which had been placed upon the state might be lightened and possibly eventually removed, and he did much toward saving the commonwealth from falling prey to the temptation of repudiation. The legislature, realizing that something had to be done to

prevent the enormous debt of the state from increasing further by the accumulation of arrear interest, levied a tax upon the people. But the people to a large extent refused to pay the tax. As the state was unable to pay interest on her bonds, Mr. Thomas suggested as a remedy, that the coupons upon state bonds be accepted as currency. This course was to work to advantage for the owner of bonds—who otherwise would have been compelled either to hold his coupons indefinitely or to sell them at a very great sacrifice—as it placed in his hands a reasonably good negotiable paper. At the same time it opened up for circulation in payment of public debts a large amount of governmental paper. But in 1842 Maryland was forced to suspend payment on its bonds, and this gave rise to a somewhat marked agitation for repudiation. Although neither Grason nor Thomas can be regarded as other than the most pronounced enemies of repudiation, it was not until the administration of Governor Pratt—the whig successor of Mr. Thomas—that the idea of repudiation was finally disposed of in Maryland and the state's creditors were given assurance that the commonwealth would honor her every obligation. Thomas, in his message to the legislature, asserted that "the debt of Maryland, however unwisely contracted, was created by the representatives of her people. This being the case, every principle of honor as well as of justice, makes it the imperious duty of the people to essay every effort to meet the obligations which their own agents have imposed."

Governor Thomas retired from the executive mansion on January 6, 1845, and then went to his Frederick county home, from which he issued a few weeks later his remarkable attack on Mrs. Thomas and her friends. He lived very much to himself for the remaining years of his life, which covered the rather long period from 1845 to 1876. At times

he was almost a recluse, but occasionally he took part in public affairs. Late in the forties he became an active advocate for constitutional reform and was elected a member of the convention which sat from November, 1850, to May, 1851, and devised the constitution of 1851. In this convention he fought with his old time fire for a more equitable apportionment of representation, and also combated the endeavors of the slave-holding counties to gain any additional power. But when his services here ended, he again sought retirement. It was not until the outbreak of hostilities in 1861 that he came into prominence again. He then raised a regiment of 3000 soldiers to fight for the north. Mr. Thomas was once more elected a member of the lower house of congress, in which body he served from 1863 to 1869. Although he had been a democrat till 1861, he now became a supporter of the republican party. He was active throughout the remaining years of the war, though, with the succession of Johnson after Lincoln's death, Mr. Thomas became an opponent of the "tailor" president.

Radical, even revolutionary, as Governor Thomas was as a leader, he rendered Maryland greater service, perhaps in republicanizing the form of government given the people than did any other state governor. His organization of the revolt in 1836, although it brought him into momentary disrepute, was the direct cause of the reform act, which made the governor and state senators the representatives of the people, instead of the representatives of the legislature and of the electoral college. He was largely responsible for the constitutional convention of 1850, and when he realized how far short that movement fell of its purposes he fought untiringly for a new convention. Upon his retirement from congress, Francis Thomas was appointed, in April, 1870, collector of internal revenue for the Cumberland dis-



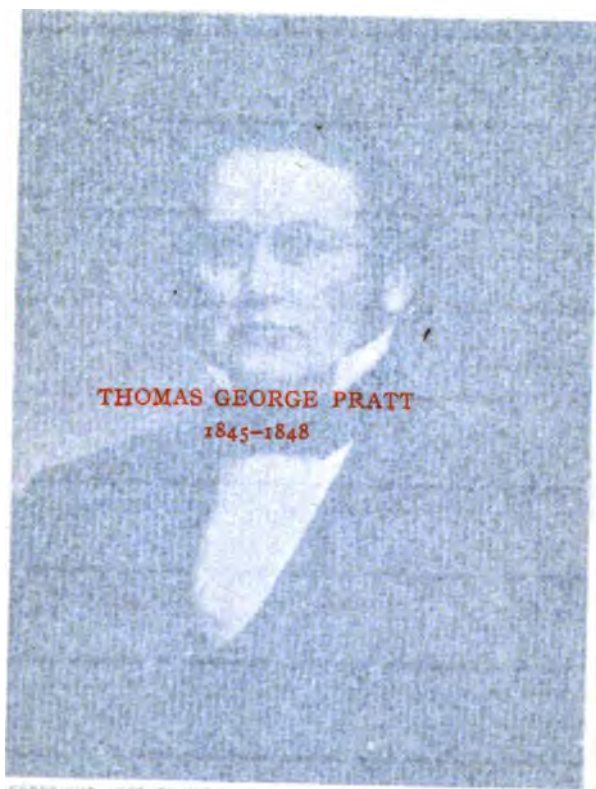
trict. He resigned this position in March, 1872, to accept the post of minister to Peru. He remained in the South American republic until the summer of 1875, when he retired from public life and resumed his practice of the law in Western Maryland.

Mr. Thomas was much interested in his estate at Frankville and planned to make extensive improvements upon the place, which he purposed to occupy during the remaining years of his life. While superintending these improvements in the early part of the year 1876, Mr. Thomas was run down by a locomotive of the Baltimore and Ohio Railroad near Frankville and instantly killed, January 23, 1876. Several days later he was buried in the cemetery belonging to St. Mark's Episcopal Church, near Petersville. Over the grave was erected a stone bearing the inscription which the deceased himself had penned for his tombstone: "The author of the measure which gave to Maryland the constitution of 1864 and thereby gave freedom to 90,000 human beings."

## THOMAS GEORGE PRATT

Greater men than Governor Pratt—more patriotic, more intellectual, more daring men—have been chief magistrates of Maryland doubtless, but not many, if any, out-rival him in the homage paid by the people and the histories of the state to his memory. Of him it has been said—not once, but time and time again—that he did more than any other man to save proud old Maryland from the shame of repudiation. He appears in the light of one who discoursed to his fellow-statesmen upon the beauties, the peacefulness, the tranquillity of the path of virtue, and after closing his discourse took down the lash and vigorously, almost brutally, drove the people of the state into that path whose attractions he had extolled. It must, however, be admitted that the method he employed was in all probability the only one that would have been effective. But while Mr. Pratt is confessedly remembered for having reestablished Maryland's credit, there was another transaction in his public life which, perhaps, did almost as much to secure his fame among his contemporaries: thereis, in deed, a possibility that although he was canonized in later years for his gubernatorial administration, his labor to redeem Maryland's honor was probably at times but a cloak under which lay the real cause of many people's affection—Governor Pratt's bold support of the Confederacy during the Civil War.

Thomas George Pratt was born in Georgetown, District of Columbia, on February 18, 1804. Although not a native of Maryland by birth, his ancestors had been prominent



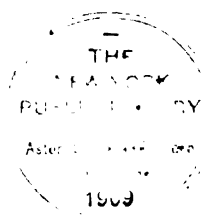
## THE GEORGE CRATON

THE GEORGE CRATON

1881-1882



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residents of Prince George's county and in early manhood the future governor became a Marylander. His parents afforded him every opportunity to acquire a liberal education, and sent him, after the elementary courses had been completed, to Georgetown College and later to Princeton. He early determined to enter the legal profession, and while in the District of Columbia read law in the office of Richard S. Coxe. In 1823 he moved to Prince George's county, and subsequently practiced his profession in the town of Upper Marlboro. In taking up his residence in Prince George's, Mr. Pratt became a fellow-countian of Joseph Kent, who a few years later, in 1825, was chosen governor of Maryland. There sprang up an intimacy between the two men and between the younger man and the family of Governor Kent, particularly Miss Adelaide Kent; and the young lawyer firmly cemented the friendly relations of the two families by marrying Miss Kent. From the time of the marriage of the couple until the death of Governor Pratt, their home was famed for its hospitality and the character of the guests entertained at the family board.

Mr. Pratt made his debut as a legislator early in the thirties when in the closing years of George Howard's administration he was chosen a member of the house of delegates. He served in the lower branch of the legislature from 1832 to 1835. He was a member of the state electoral college of 1836, that famous body in which occurred the revolt of the "glorious 19" democrats. In the same year he was named as president of the governor's council and continued in the council during the administration of Governor Veazey. In 1837 he appeared as a presidential elector and cast his vote for Martin Van Buren.

At the close of his service as president of the governor's council, Mr. Pratt was elected to the Maryland senate and remained in that body consecutively from 1838 to 1843.

This was a critical period in Maryland's history and the men who sat in the legislative halls at Annapolis were closely watched by the voters of the state. The various sections of the state were greatly agitated because of the gloomy financial outlook. Maryland was burdened with debt and there was not sufficient money which to pay the interest on that debt, let alone any attempt to diminish the amount of indebtedness. Taxes had been levied, but the governmental officials had been unable to collect them, and throughout the commonwealth was talk of repudiation. Mr. Pratt, during the period that he sat in the state senate, had shown himself a man with decided views upon the subject of repudiation with courage to express his views. He was decidedly the strongest candidate whom the whigs could find in the middle gubernatorial district in 1844 and the convention placed his name at the head of its state ticket. The democrats named James Carroll, of Baltimore. Mr. Pratt's demand in the campaign was that the state should pay its debt, and upon this he won the election for his party, though by a narrow majority of 548 votes. It must not be supposed that Governor Pratt alone reestablished Maryland's credit, as is sometimes intimated. There were many men in the state equally zealous of Maryland's honor, but circumstances favored him. For instance, both William Grason and Francis Thomas—Pratt's immediate predecessors—were as firm as he in declaring that the people must pay their debts; but while they administered the affairs of the commonwealth business was at a standstill and currency almost out of circulation: when Governor Pratt reestablished the state's credit business had improved and money was easier. In his first message to the legislature he asserted: "From an abundant harvest now at hand this is the time to pay our debts."

This change from commercial stagnation to business prosperity was an enormous factor in favor of saving Mary-



land from the temptation of repudiation, although with a chief executive of less firmness than Mr. Pratt the commonwealth, despite its prosperity, might still have neglected the unloved state debts. But even after deducting from Governor Pratt's account the excess credit which has occasionally been accorded him, there remains enough to give him distinction among the statesmen who have made history in Maryland. He was inaugurated governor on January 6, 1845, and his term expired on January 3, 1848. During these three years he was untiring in his endeavors to have Maryland resume her interest payments, which had been passed continuously since 1842, and within a few days of his retirement from the gubernatorial office the state did resume these payments. Under his administration the taxes were collected, for whether the people favored repudiation or not made little difference to the determined governor, who charged Maryland's failure in 1842 to pay her maturing obligations to the neglect of governmental officials in the matter of enforcing the laws.

During Governor Pratt's administration occurred the Mexican War, and he promptly declared that "the sons of Maryland have always obeyed the call of patriotism and duty, and will now sustain the honor of the state." His prophecy was fulfilled. His governorship also witnessed much difficulty regarding an enforcement of the law regulating slave property, and this, perhaps, more than anything else, made Pratt the whig over into the democratic Pratt of later years. Several slaves had escaped from Maryland into Pennsylvania and the governor made out requisitions upon the executive of the Quaker state for their return, but the governor of Pennsylvania refused in both cases to gratify the demand, and accompanied one of his refusals with the opinion of the attorney-general of that state, declaring that the act of the general assembly of Maryland of 1838 was deemed unconstitutional by the authorities of Pennsylvania.

Somewhat later other slaves escaped into Pennsylvania and their owners went thither and under a provision of an act of congress proved their property and started for Maryland when they were set upon by residents of the Quaker state, the slaves released and in the conflict one of the Marylanders—Mr. Kennedy—was killed. Finally a negro owned by Alexander Somerville, of Calvert county, attempted to kill his master and then fled into Pennsylvania, where he was arrested, and, after a protracted trial before a Philadelphia court, ordered delivered to the Maryland authorities. But immediately a writ of habeas corpus was issued by some other tribunal than that before which the case had been tried and the criminal was rescued by the populace. These several violations of the law concerning slave property made Governor Pratt an uncompromising supporter of slavery.

After his retirement from the executive mansion Mr. Pratt resumed his law practice in Annapolis. He had taken up his residence permanently in the state capital, having purchased the colonial residence of Governor Ogle. He was not, however, permitted to remain in private life for any great length of time. Reverdy Johnson had accepted the portfolio of attorney-general of the United States from President Taylor on March 8, 1849, and consequently resigned his seat in the United States senate. The legislature of the state named Mr. Pratt as Senator Johnson's successor for the remaining year of his term and also elected him for a full term of six years additional. He took his seat in the upper house of congress on January 4, 1850, and continued there until March 3, 1857. During these seven years he represented his state with credit and honor, though his senatorial career was not marked with such noteworthy distinction as his gubernatorial administration. The whig party had now passed from national politics, and in 1856 John C. Fremont appeared as the first presidential

nominee of the republicans, while James Buchanan was the democratic standard-bearer. Mr. Pratt supported the latter, and was even more radical than Buchanan in his attitude toward the question of slavery and secession. Indeed, at the outbreak of hostilities between north and south, Governor Pratt was regarded with considerable fear by the governmental officials, and was arrested in 1861 and held a prisoner at Fort Monroe for several weeks. Although he did not join the secession forces himself, he gave to the confederate army his moral support throughout the contest and the services of his son.

After the expiration of his congressional service, in 1857, Mr. Pratt returned to his Annapolis home, where he remained until 1864, when he took up his residence in Baltimore. In 1864 he was a delegate to the Chicago national convention, and in 1866 he attended the union convention at Philadelphia as a delegate. He appeared as a candidate for the United States senate in 1867, but received only meager support in the election which resulted in the selection of William T. Hamilton. This was about his last public appearance of note, and two years later, on November 9, 1869, he died at his home in Baltimore.

## PHILIP FRANCIS THOMAS

Among some of the less advanced peoples a man's vocation is determined hereditarily, and as a consequence there has sprung up a powerful system of caste founded upon occupation. A butcher is not tempted to squander his money sending his boy to college, for the inevitable law of the land is that the son must be a butcher also; and the daughter of a baker is not prompted to make personal sacrifices because of social ambitions—she is destined by a barbarian, though not unwise, law to remain in the baker class. A parallel of this custom is found in many of the more civilized countries of the world, although the system of heredity there is more arbitrary in certain professions than in the business calling of the offspring. In America the religious persuasions and the political faith of the sire are reflected in the son. A Methodist brings up a Methodist, a Baptist rears a household of little Baptists. So far this is natural and harmless. But when the son is a republican because his father is, or when a youth becomes an adherent of democracy for no other reason than that his parent votes the democratic ticket, there is ground for suspicion that the younger citizen selects his political creed sentimentally rather than intellectually. This phase of heredity has become so thoroughly imbued in the national mind that there is invariably a raising of the eyebrows when the son of a republican joins the ranks of the democrats, or *vice versa*. Bearing this in mind, and with it the fact that seventy-five or a hundred years ago there was in many sections of Maryland



PHILIP FRANCIS THOMAS

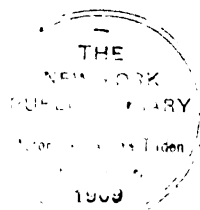
1848-1851

## FRANK THOMAS

The first of these is the fact that the  
 government has not been able to raise  
 enough money to pay the interest on  
 its foreign debt. As a result, the government  
 has been forced to borrow money from  
 the international community. This has  
 led to a loss of confidence in the  
 government's ability to manage the  
 country's affairs. The second of these  
 factors is the fact that the government  
 has been unable to implement the  
 reforms that it has promised. This has  
 led to a loss of confidence in the  
 government's ability to carry out its  
 policies. The third of these factors is  
 the fact that the government has been  
 unable to maintain a stable political  
 environment. This has led to a loss of  
 confidence in the government's ability to  
 govern the country.



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a social distinction between the two leading political parties, it seems very surprising, indeed, that the son of a well-connected Talbot county federalist should have adopted the cause of democracy in that district of aristocracy. But the conversion of Governor Thomas when a young man to democracy was only a promise of even more surprising spectacles to which he should treat his fellow-countians in after years.

Philip Francis Thomas was born at Easton, Talbot county, on September 12, 1810. His father, Dr. Tristram Thomas, practiced medicine on the Eastern Shore for more than fifty years; his mother before her marriage had been Miss Maria Francis. Young Thomas was early entered at the academy at Easton, where he received his elementary schooling. Later he was sent to Carlisle, Pa., where he became a student at Dickinson College. For two years he labored at Dickinson, sometimes over his books and at other times striving to concoct schemes whereby he might relieve his high-strung spirits. The detection, however, of one of his youthful indiscretions resulted in his suspension from Dickinson, and he returned to Easton. He then became a law student in the office of William Hayward, and in November, 1831, was admitted to the bar. It was not long before Mr. Thomas began to make a name for himself as an attorney. He was, however, regarded by both relatives and friends as a man of most erratic temperament, because he did not pursue the precepts which others laid down for him arbitrarily, and occasionally dealt fogysm and excess-respectability some rather telling blows. His father had been an ardent federalist, and upon the death of the federalist party he became an even more ardent whig. Nearly all the other Thomases were of like political conviction. And Talbot county, the home place of the Thomases, was not only whig, but overwhelmingly whig.

When Philip Francis Thomas declared himself a democrat, consternation spread through the social circles in which his relatives moved. Not only did it appear to the whiggish friends that he had committed a grave blunder, but they felt convinced that he could never thereafter hope for any official recognition from the people, when ultimately he should seek admission to the fold of the whig party. But Mr. Thomas had no intention of recanting. He pulled together the fragments of a party which in Talbot county responded to the name democracy and he ran for the legislature in 1834, and was defeated badly. But his defeat accomplished nothing in the way of taming the youth. Two years later, in 1836, he again appeared as a candidate and had the audacity to espouse the movement for a constitutional convention which should accomplish a reapportionment of the state. Nothing could have been selected to arouse the ire of the Talbot countians more, and as an evidence of the people's displeasure Mr. Thomas received 200 votes less than his opponent. The following year he disregarded the advice of his counselors and again ran for office, and this time was defeated by only 17 votes. At this time the state constitution was so amended as to make the election of governor a matter for direct vote by the people. Thomas was a delegate to the democratic convention which met in Baltimore in 1838 and nominated William Grason for governor, and Mr. Thomas boldly pledged Talbot county to Mr. Grason, and carried out his pledge. In Talbot the democratic gubernatorial candidate received a majority of 130 votes, while Mr. Thomas, who was a candidate for the legislature, had 190 majority.

This final success as a legislative candidate moved Mr. Thomas to attempt greater things, and he became the nominee of the democratic party for congress in 1839, run-

ning against James Alfred Pearce, the Kent county whig, who had been representing the district in the national legislature since 1831. The democrat's candidacy was at first treated as a jest by the whigs and not a few members of Mr. Thomas' own party, but the morning after election revealed the startling fact that the whigs carried only one county, Kent, while the congressional district gave Mr. Thomas a majority of 188 votes.

Mr. Thomas was appointed a member of the committee on elections shortly after his entrance into the national legislature. The contested election cases before the committee at that time were so engrossing that the members were excused from attending the meetings of the house and spent all their time taking testimony. While the services performed by the Talbot county congressman in this connection were important, they were not of a character to make for him much reputation as a parliamentarian or a legislator. At the close of his term as representative, Congressman Thomas was renominated by his party, but declined to enter the campaign, and Mr. Pearce, the whig, was elected without opposition. Mr. Thomas resumed his law practice, though later he accepted the office of judge of the land office court for the Eastern Shore. In 1843 he was prevailed upon to become a candidate for the house of delegates, and was elected. In the state legislature he proved himself a powerful foe of those who sought to deceive the people regarding the state's finances.

In 1845 Mr. Thomas once more appeared as the candidate for the state legislature and was elected. He served with such signal success in the session of 1846 that his name was generally mentioned as the prospective democratic nominee for governor long before the time set for state conventions. At the democratic state convention,

June 24, 1847, Mr. Thomas received the nomination for governor. William Tilghman Goldsborough was the nominee of the whig party. The whigs charged Mr. Thomas, who had been a strong advocate of paying the public debt, with being favorable to repudiation, and hoped thereby to accomplish his defeat. But the democrat frankly met the charge and explained to the voters every feature of his course in matters of both internal improvement legislation and the state's debts. The election was held on October 6, 1847; but all the returns were not received until the fifth day thereafter, and then it was learned that Mr. Thomas had been chosen by a majority of 709 votes.

Of the many noteworthy features of Thomas' administration, the most important one, perhaps, was the resumption by the state of interest payments upon bonds. This occurred just about the time that Governor Pratt's term closed, and chief credit is due to the retiring executive, although Thomas had been active in working for the resumption of these payments. With his induction into office Governor Thomas started a campaign for constitutional reform, and in his inaugural address on January 3, 1848, he pointed out the defects in the seventy-year-old constitution under which Marylanders were then living, and stressed the need of calling a convention to devise a new instrument for government. During the closing months of his three-year term as governor such a convention was held, and it completed its work in the first year of the administration of Governor Thomas' successor.

Under the new constitution there was created the office of comptroller, and after the close of Thomas' administration, in 1851, he was chosen as the first incumbent of this office. Early in the fifties Franklin Pierce was elected president of the United States, and immediately after his inauguration began his endeavors to coax Mr. Thomas into accepting

some office under him. He first offered Mr. Thomas the portfolio of the navy, but the latter declined it for the reason that the salary was insufficient to maintain the dignity of the position, and he had no private income to help it out. President Pierce became insistent that Governor Thomas accept some federal patronage in the shape of an office, and the latter finally consented to become the collector of customs of the port of Baltimore, for which purpose he resigned as comptroller of the state in 1853. At the close of the Pierce administration, when President Buchanan appointed a new collector of Baltimore, Mr. Thomas went west to try his fortune in the land of golden promise. He took up his residence in St. Louis and began the practice of law there, but was unable to become reconciled to his absence from Maryland. During the Mormon war President Buchanan invited him to become governor of the territory of Utah, and when he declined the president proffered him the post of treasurer of the United States, but again Mr. Thomas refused. Finally he was invited to serve as commissioner of patents, and accepted the office on February 16, 1860. In December of the same year, when Howell Cobb resigned the portfolio of the treasury, President Buchanan prevailed upon Mr. Thomas to become Cobb's successor, and he was secretary of the treasury for one month, entering the cabinet on December 10, 1860, and retiring therefrom on January 11 1861.

Governor Thomas' sympathies were with the south during the war, although he spent the years of conflict in the practice of his profession in Talbot county. He had while governor advised the legislature "to make the solemn declaration in advance of the unalterable determination of this state, in case of the passage of the 'Wilmot proviso' or any similar scheme, to make common cause with the south." When the sectional conflict finally began, he

did not join the warring elements, but, like Governor Pratt, permitted his son to enlist in the Confederate army. At the close of hostilities, Mr. Thomas appeared as a candidate for the state legislature in 1866, and was elected. This session was called upon to elect a successor to John A. J. Creswell in the United States senate. Governor Swann was chosen, but declined to serve; and the general assembly then elected Mr. Thomas. He had always been desirous of representing his state in the upper house of congress, and when he was chosen senator, on March 12, 1867, his ambition seemed about to be realized. But congress was then dominated by the most radical of the south-hating republicans, and Governor Thomas was refused admission on the ground of "having given aid and comfort to the rebellion." He was constitutionally eligible, and the judiciary committee of the senate reported favorably upon his credentials, but by a vote of 27 to 20 he was refused permission to enter the senate chamber. The technical charge against the senator-elect was that he had supplied his son with clothing and money, and that son had fought with the Confederate forces. There was a disposition among Mr. Thomas' friends to reelect him United States senator, but he discountenanced the proposal and advised that a successor be chosen who would be acceptable. It was especially desirable at this time to fill the vacancy, as the trial of President Johnson was under way and every possible democratic vote was needed in his behalf. Consequently, on March 6, 1868, George Vickers, of Kent county, was elected to the senate and he took his seat in time to vote at the trial of Johnson.

In 1874 Mr. Thomas was a successful congressional candidate and took his seat in 1875, just 35 years after the termination of his first term in the house of representatives. He was in the lower house of congress until

1877, and the next year was chosen to represent Talbot county in the state legislature. Governor Thomas appeared as a candidate for the United States senate again in 1877 and 1884, but Governor Groome and Ephraim E. Wilson respectively defeated him in the caucuses. He presided at the state convention in 1883, when Robert M. McLane was nominated for governor, and was chosen a member of the Maryland legislature in the elections of that year.

Governor Thomas died in Baltimore, where he had gone for medical treatment, on October 2, 1890, in his eighty-first year. He was survived by the second Mrs. Thomas, who had been Mrs. Clintonia May, widow of Captain May of the United States navy, and daughter of Governor Wright, of Maryland. His first wife, to whom he was married in 1835, was Miss Sarah Maria Kerr.

## ENOCH LOUIS LOWE

On the morn of the Civil War, when Maryland was torn asunder by the divided sentiment of her people, a native poet wrote a patriotic hymn which has since become almost a classic. His heart was with the southland; his plea was for the cause of the so-called cotton states; and his purpose was to stir the passion of Marylanders so that they would rally to the support of the Confederacy. In the song with which James R. Randall sought to rouse the people of Maryland he dwelt upon the glory of the state's particular heroes; and no more convincing proof of the esteem in which Governor Lowe was then held by his fellow-statesmen can be found, than that his name was one of those used by the poet in order to stir the people's hearts:

Come! 't is the red dawn of the day,  
Maryland! My Maryland!  
Come! with thy panoplied array,  
Maryland! My Maryland!  
With Ringgold's spirit for the fray,  
With Watson's blood at Monterey,  
With fearless Lowe and dashing May,  
Maryland! My Maryland!

In the story of Maryland's part in the war several men who had earlier served as governor occupy positions of importance. Some of these former state executives were with the south; at least one was in sympathy with the north; but none excelled, and it is doubtful if any equalled Mr. Lowe in devotion to the cause which each espoused. Mr. Grason, the first popularly elected governor, was an



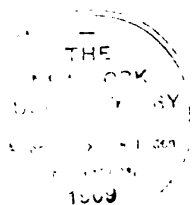
ENOCH LOUIS LOWE

1851 1854





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ardent supporter of slavery and a friend of the south. His successor, Francis Thomas, was one of the bitterest opponents of the Confederacy. The next two governors—Thomas G. Pratt and Philip Francis Thomas—were sentimentally inclined toward the southern cause and, although neither took part in the conflict, each gave to the Confederate army the service of a son. Mr. Lowe, the last governor under the constitution of 1776, went further than any of his immediate predecessors. When the war began, he took his way to the southland, and there gave moral and material support to the Confederacy. If secession was rebellion, then he was one of the most violent rebels who came out of Maryland; and the final defeat of the southern cause brought a sorrow to his heart which never thereafter left it.

Enoch Louis Lowe, born August 10, 1820, was the son of Lieutenant Bradley S. A. and Adelaide (Vincendiere) Lowe; Lieutenant Lowe was a graduate of West Point Academy. The early years of the governor were passed at the beautiful family estate, The Hermitage, a tract of 1000 acres in Frederick county upon the Monocacy river. He attended St. John's School in Frederick City, and later, at the age of thirteen, was sent abroad to complete his studies. He was entered at Clongowas Wood College, near Dublin, and subsequently studied at the Roman Catholic College of Stonyhurst, where he continued for three years. After completing his academic studies, 1839, Mr. Lowe made an extensive tour of Europe, and upon his return to America traveled about the states for a year before returning home to take up seriously the work of life. He then became a student of law under Judge Lynch, of Frederick, and in 1842, at the age of twenty-one was admitted to the bar.

Although Mr. Lowe formed a law partnership with John W. Baughman at Frederick, and gave much thought to

building up for himself a reputation in his chosen profession, he did not for long keep a single eye to the law, but early evinced a desire for a part in the political affairs of his section. In 1845 he appeared as a candidate on the democratic ticket for the state legislature, and his campaign resulted in two things—his election to the house of delegates and the winning of more than a little reputation as an able stump speaker. Mr. Lowe became prominent as an advocate for constitutional reform in Maryland and through this advocacy his fame had spread so far by 1850 that, when the democratic state convention met in that year, he was chosen upon a "reform" platform as the standard-bearer of his party. The whigs nominated for governor William B. Clarke, of Washington county, and the two aspirants for the gubernatorial chair had several public debates during the campaign. Mr. Lowe's personal popularity in Baltimore won for him the election. His majority throughout the state was just 1492 votes, but Baltimore—which gave a whig candidate for mayor a majority of 777 votes—gave Mr. Lowe, the democratic gubernatorial candidate, a majority of 2759.

Mr. Lowe was but twenty-nine years old when nominated for governor, although he satisfied the constitutional requirement by arriving at the age of thirty before election day. Much was made of his youth, and upon one occasion a would-be detractor interrupted him while he was making a speech by asking: "How old are you?" But the democratic candidate flashed back the magnificent reply: "A wife and four children." He had been married, May 29, 1844, to Miss Esther Winder Polk, daughter of Colonel James Polk, of Princess Anne. Mrs. Lowe bore her husband eleven children, seven of whom with the mother survived the governor.

Governor Lowe was inaugurated January 6, 1851, and

continued in office until January 11, 1854. His administration, therefore, witnessed the change in the state government from the old constitution of 1776 to the constitution of 1851. At a special election in May, 1850, the people of Maryland had declared for a constitutional convention, and at an election held in the following September delegates to this convention were chosen. The body thus elected was only slightly whiggish in complexion, and the document it devised—during its session from November 4, 1850, to May 13, 1851—was largely made up of compromises between the two opposing elements. The greatest gain for the people was that the constitution of 1776, burdened with amendment upon amendment, was superseded by a governmental document that at least expressed clearly the things that it treated. Before the proposed constitution could be fully digested by the people, it was placed before them for ratification, and was given a small majority at a special election on June 4, 1851.

During Governor Lowe's administration the state fully recovered from the financial depression that had resulted some years earlier in the advocacy of repudiation of public debts. Governor Thomas, who preceded Mr. Lowe, had warned the people against reducing the amount of taxation, and declared that such a reduction, despite the cheerful outlook, would be a dangerous step. But Governor Lowe boldly advised the very thing against which Mr. Thomas had warned, and in 1853 the people of Maryland were required to pay but 15 cents on the \$100, whereas in the several years prior thereto the annual tax rate for the state had been 25 cents. Another notable feature of the Lowe administration was the completion of the Baltimore and Ohio Railroad to the Ohio river, which, according to the original plans of the promoters, was to have been the western terminus of the line.

During the administration of Mr. Lowe, General Kossuth, the Hungarian patriot, visited America and was the guest of Maryland's chief magistrate for several days. Although Mr. Lowe was heartily in sympathy with the foreigner and the cause he represented, he was unable to accord either any aid from the state government. Mr. Lowe was named as minister extraordinary and plenipotentiary to China by President Pierce, but declined the post.

After the close of his administration Mr. Lowe assumed a much more prominent rôle in national politics than he had taken before his governorship. He became one of the great figures among those who took up the cause of the south, not for office nor for personal advantage, but solely because of a love for the land and the people south of the Mason and Dixon Line. He helped to win for Buchanan the democratic nomination for president in 1856, and was active in the campaign which resulted in Buchanan's election. Mr. Lowe was active in the presidential campaign of 1860, supporting John C. Breckinridge even more heartily than he had supported Buchanan.

When the war began, Mr. Lowe remained in Baltimore long enough to serve the south to the fullest extent of his ability in his native state. He was a man without fear, and what he did, he did openly. While others tried to evade answering the question as to their allegiance, Governor Lowe stood up fearlessly for the cause of the south. Later he went to Virginia, where he became the guest of honor of the legislature of the Old Dominion. His address delivered before the legislature was regarded by that body as of sufficient moment to warrant its publication and distribution by the state.

Governor Lowe wanted Maryland to secede, and he believed that the state would ultimately join the Confederacy. "God knows," he declared, "Marylanders love the



the sunny south as dearly as any son of the Palmetto State. They idolize the chivalric honor, the stern and refined idea of free government, the social dignity and conservatism which characterize the southern mind and heart, as enthusiastically as those of their southern brethren who were born where the snows never fall." He was bitter in his denunciations of Mr. Hicks who "had purposely left her [Maryland] in a defenseless condition, in order that he might without peril to himself deliver her up at the suitable time to be crucified and receive his thirty pieces of silver as the price of his unspeakable treachery."

Mr. Lowe spent the greater part of his voluntary exile in the south in Augusta and in Milledgeville, Georgia. After the war Governor Lowe returned to Maryland, where he lived from November, 1865, until May, 1866, when he moved with his family to New York. It was not only the iron-clad oath—which his self-respect would not permit him to take—that sent Mr. Lowe out of his native state; but Baltimore at that time did not seem to offer him the means of supporting his large family by his professional work in the way that he was accustomed to providing for it. He had lost heavily through the war, and in Brooklyn, where he was to take up his residence, he saw a large enough field for practice to insure him a considerable income. His leaving Baltimore with his family to go to a strange city is but another evidence of the wonderful courage of the man.

For some time after removing to New York, Mr. Lowe was in much demand as a lecturer. He was several times solicited to enter the political circles of the Empire state. Except for his brief activity in the Hancock-Garfield campaign, however, he remained in comparative retirement. He was for a while counsel of the Erie Railroad Company, but upon the death of James Fiske this relationship was dissolved.

A newspaper correspondent, writing from Brooklyn at the time of Governor Lowe's death, asserted that he had "lived a very retired life, and outside of the immediate circle of his family friends was hardly ever seen or heard of. It was often regretted here that Mr. Lowe did not take the public place his abilities and career warranted, but he seemed to care only for the peace and quiet of his family and home, and thus occupied himself out of the sight and bustle of the busy world." Governor Lowe died on August 23, 1892, at St. Mary's Hospital, where he had undergone an operation which proved unsuccessful. His body was removed to Frederick, and was privately interred on August 25, Governor Lowe having requested that no funeral sermon be preached at his burial.





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1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971).

\* *Journal of Management Education* 25(10):1139-1150, 2001.

1. *Chlorophyll a* (Chl *a*)

1. *Chlorophyll a* (Chl a) and *Chlorophyll b* (Chl b) are the primary photosynthetic pigments in green plants. They are responsible for capturing light energy and converting it into chemical energy through the process of photosynthesis. Chl a is the most abundant pigment, while Chl b is present in smaller amounts. Both pigments absorb light most efficiently in the blue and red regions of the visible spectrum.

...and the fact that the *in vitro* and *in vivo* results are in good agreement.

1. *Journal of the American Medical Association*, 1997; 277: 1033-1038.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

1. *Journal of the American Medical Association*, 1997; 277: 1033-1036.

...the fact that the *in vitro* and *in vivo* results are in good agreement.

For the purpose of this study, the following hypotheses were formulated:

1. The first group of respondents (10%) was made up of 100% females, 100% of whom were married. The mean age was 40.5 years, with a range of 30 to 50 years. The mean number of children was 2.5, with a range of 1 to 4 children. The mean number of years of education was 12.5, with a range of 10 to 16 years. The mean number of years of employment was 10.5, with a range of 5 to 20 years. The mean number of years of residence in the community was 10.5, with a range of 5 to 20 years. The mean number of years of residence in the community was 10.5, with a range of 5 to 20 years.

1. The first group of variables, *demographic*, includes age, sex, and marital status. The second group, *education*, includes years of schooling, high school graduation, and college graduation. The third group, *employment*, includes employment status, occupation, and industry. The fourth group, *income*, includes household income and personal income. The fifth group, *health*, includes self-rated health, physical health, and mental health. The sixth group, *social*, includes social support, social network, and social participation. The seventh group, *psychological*, includes psychological distress, psychological well-being, and psychological resilience. The eighth group, *behavioral*, includes smoking, drinking, and exercise. The ninth group, *environmental*, includes neighborhood quality, housing quality, and environmental quality. The tenth group, *policy*, includes policy support, policy implementation, and policy evaluation.

1. *Journal of the American Medical Association*, 277, 1996, 1033-1037.

1. *Journal of the American Medical Association*, 277: 1025-1026, 1997.

*Journal of Management Education* 30(6)p.789-804  
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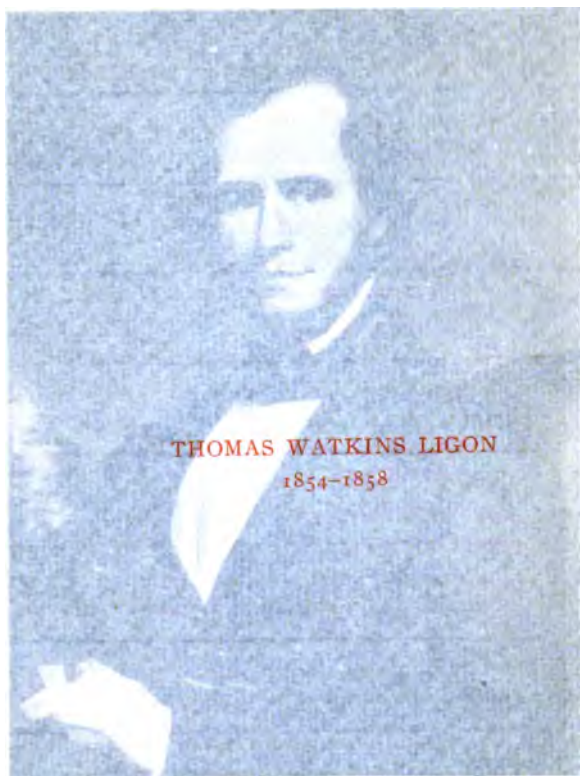
1. *Journal of the American Medical Association*, 1997; 277: 1033-1038.

$\frac{d}{dt} \left( \frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

• **Suppose**  $\mathcal{C}$  is a category and  $\mathcal{D}$  is a subcategory of  $\mathcal{C}$ . Then  $\mathcal{D}$  is a **full subcategory** of  $\mathcal{C}$  if  $\mathcal{D}$  contains all the objects of  $\mathcal{C}$ .

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Lichtenthaler and Whistler (1973).

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971) using a Shimadzu 1601 UV-Visible Spectrophotometer.



THOMAS WATKINS LIGON  
1854-1858

## THOMAS WATKINS LIGON

Although the contemporaries of a historical personage cannot arbitrarily impose upon posterity their own estimates of his character, they generally can shape the opinions of other men by erecting historical guideposts which point in the direction of their own opinion. Here, then, is a key to the enigma of Governor Ligon's position in the hall of fame of Maryland. In the days of his governorship the body politic had forgotten that it ever had been virtuous and seemed fairly to glory in its vileness. To teach an infant nation to be pure in its political affairs would have been mere child's play compared to the task of reforming the state's dominant political force, or even of convicting it of wickedness. Yet Mr. Ligon fearlessly undertook this labor, and for this his glory should have been great. But he was a man without the frills and ruffles of the conventional type of early state executives, and his homespun methods proved offensive to many of his contemporaries.

Thomas Watkins Ligon is one of the several native Virginians who have served Maryland as governor. The son of Thomas D. Ligon, and the grandson on his maternal side of Col. Thomas Watkins, of Revolutionary fame, he was born in 1812 in Prince Edward county, Virginia. His father, a farmer, died when the governor was a lad, and upon the mother devolved the responsibility of providing for her two sons. After completing his primary studies, Thomas Ligon was sent to Hampden-Sidney College, from which he was graduated with distinction. He then entered

the University of Virginia and later attended Yale Law School, where he prepared for the profession which he had determined to pursue. Upon his return to Virginia, he was examined for admission to the bar and authorized to practice law; but the home county of Mr. Ligon did not present many inducements for an ambitious lawyer, and the young man began to look about for a promising town in which to open an office. In 1833, at the age of twenty-one, he came to Baltimore, where in a very modest way he made it known that he was bent upon practicing law and desired clients.

In 1840 Thomas Ligon was married to Miss Sallie Dorsey, of that portion of Baltimore county which later was included in Howard county, and thereafter he had his residence at Ellicott's Mill—now known as Ellicott City—although he continued his law practice in Baltimore. Mr. Ligon's wife was a daughter of Charles Worthington Dorsey, and after her death the governor was married to Mary Tolly Dorsey, another daughter of the Marylander, and a sister to the first Mrs. Ligon. Several years after his first marriage Mr. Ligon made his initial appearance as an office-seeker. He had been invited in 1841 to accept the nomination for member of the legislature, but declined the honor. Two years later, however, he consented to become a candidate and was elected. Mr. Ligon's success prompted his fellow-democrats to nominate him in 1844 as the party's candidate for congress, to which body he was elected by a fair majority, which was somewhat increased two years later when he appeared for reelection. He was a member of the twenty-ninth and thirtieth congresses, serving from December 1, 1845, to March 3, 1849.

Early in the fifties there came into being the know-nothing, party which, though short-lived, was very strong in Maryland. In the gubernatorial campaign of 1853 the



know-nothing party nominated Richard J. Bowie, of Montgomery county; the democrats named as standard-bearer ex-Congressman Ligon. The election was bitterly contested and, although Mr. Ligon was chosen by a small majority, the opponents of the democrats were given a considerable majority in both the state senate and the house of delegates. When Mr. Ligon, therefore, was inaugurated governor of Maryland, on January 11, 1854, he was well aware of the fact that the executive department, if it pursued a partisan course, would be pitted against the legislative branch of the government. Knowing, as he did, the great odds against him upon a partisan vote, and also realizing how bitterly the know-nothing party, with its aim at secrecy, would defend its position against any hostile demonstration from the almost helpless state executive, the new governor nevertheless, almost immediately after his assumption of the executive duties, began his war upon his political enemies.

The antagonism of Governor Ligon to the know-nothing party did not bear immediate fruit. In the state election of 1855—the year following his inauguration—the know-nothing candidates won a complete victory, and for several years thereafter they ruled the state, though in much the same way that bandits govern a wild or desert country. In time, however, the labor of Governor Ligon began to show results, and a reform movement, which had as its object the casting off of the yoke of ruffian rule, made its appearance, and once more political affairs in the state were separated from crime. When Governor Ligon in his message of January, 1856, called the attention of the legislature to the existence of a secret political organization founded upon religious prejudice, and warned them of the dangers of politics based on race or sect, the general assembly appointed a committee to investigate the charges. Although the

majority of this committee refused to serve, because it thought such an investigation would be an insult to the intelligence of a large majority of the people, the minority reported: "That there arose in this state and country within the last two or three years a political society \* \* \* binding its members by forms of oaths to proscribe from all offices by their votes or otherwise, if possessed of political power, all persons not of native birth, and all members of the Catholic religion."

The stronghold of the know-nothing party was in Baltimore, where for several years the members of this organization ran things in a reckless way. The voters of other political faith were intimidated, waylaid, and even killed, so that election day became a time for ruffian warfare. At the presidential election of 1856, eight men were killed or mortally wounded, while more than 250 people were reported wounded. And as an indication of the extent to which ruffianism succeeded in disfranchising by force those holding opposite views, the sworn returns in the Baltimore election of 1857 record 11,896 know-nothing votes to 2830 democratic ballots, or a majority of 9066; whereas in the previous election for mayor the know-nothing party had been given a majority of but 1567 ballots.

The know-nothing leaders had over-estimated their ability to block the governor's endeavors to free the commonwealth from its burden of ruffianism. They were able to oppose Mr. Ligon in the legislature, and never thought that he would step outside of the conventional office of chief magistrate and assume the position of actual executive of the entire state. The outcome of the city election of Baltimore in 1857 caused Governor Ligon much uneasiness regarding the state election which was to be held shortly thereafter. He went to Baltimore, and on October 27, 1857, wrote Mayor Swann a letter inviting him to coöperate

with the governor in endeavoring to have the approaching election kept free of the disgrace and rowdyism which had characterized the several preceding ones. But Mr. Swann was not altogether pleased with the governor's move toward interference and replied that as mayor of Baltimore he held his commission directly from the people, and was accountable to them for the manner in which he discharged his trust.

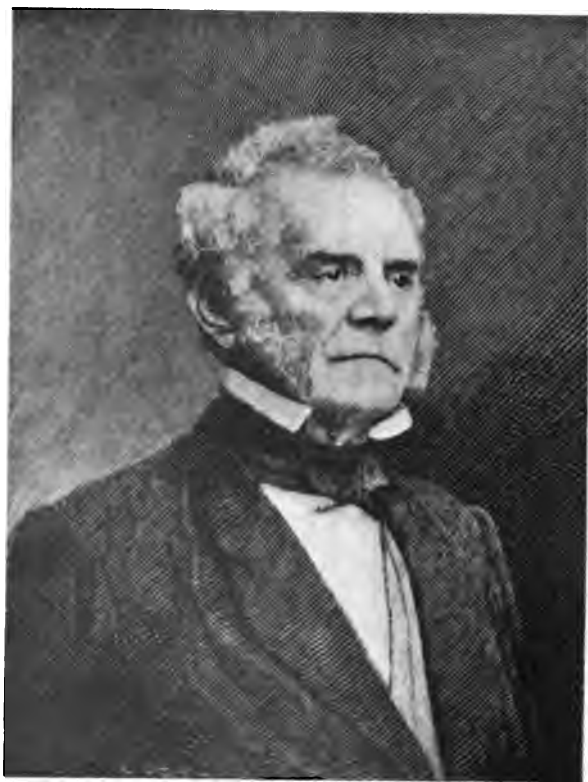
In his determination that the election should be fair, Governor Ligon then issued a proclamation in which he announced that the city of Baltimore would be placed under military guard on the approaching election day. This announcement caused great excitement, and immediately efforts were made to have the proclamation recalled. The know-nothing leaders advised Mr. Ligon that arrangements would be made for ample police service in the city on election day. Upon this the governor was persuaded to issue another proclamation in which he declared that he did not contemplate the use upon election day of the military force which he had ordered enrolled and organized. The truth, however, is that the arrangements were by no means adequate, and the election was but a repetition of its predecessors. The same overwhelming know-nothing majority was won by force of fists and firearms, and Mr. Hicks, the know-nothing nominee for governor, was elected.

When the legislature convened at Annapolis, Governor Ligon had the boldness to write in his annual message: "I record my deliberate opinion that the election was fraudulently conducted; that in the exclusion of thousands of people from the polls, there has been no expression of the popular will, and that the whole of the returns from that city are vicious, without a decent claim to official recognition anywhere, and in all their character, a gross insult to our institutions and laws, and a most offensive mockery

of the great principle of political independence and popular suffrage." The legislature declared the message an insult to its highly honorable members and voted to refuse to receive it; and a short while thereafter, or on January 13, 1858, Governor Ligon surrendered the executive office to Mr. Hicks, and retired to his Howard county estate of Chat-ham.

For the remaining years of his life Mr. Ligon lived in retirement, taking no active part in politics. He farmed his land and passed his days in peaceable meditation, and lived to see the seed he had sown spring up in a reformation of the political affairs of the state and of Baltimore city. He did not resume his law practice in Baltimore, which had been discontinued at the time of his election in 1853, but occasionally he emerged from his farmer life to take part in the deliberations of certain boards concerned in the management of charitable and educational institutions, in a number of which he was interested. He died on January 12, 1881, and was buried on January 14 from St. John's Protestant Episcopal Church, near Ellicott City. No sermon was preached, nor were there any flowers or other display, all ostentation being distasteful to Mr. Ligon, as evidenced in his life, which was marked by severe simplicity, both as a public official and as a private citizen.





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THOMAS HOLLIDAY HICKS  
1858-1862



## THOMAS HOLLIDAY HICKS

When considering the Civil War period of Maryland history, before an attempt is made to draw conclusions as to the worth of this public official or of that, full account must be taken of the peculiar conditions which existed in the Old Line state in ante-bellum days and during the first months of the conflict. Part of the population was prepared to support the southern cause, should the problems which were agitating the nation be brought to an issue of arms, and an equal number of Marylanders were unconditionally with the north. Both of these elements were, according to their conscience, in the right, and Maryland has honored each alike for the course which it pursued. Francis Thomas, who served his state as chief magistrate, responded to the attack on Fort Sumter by raising a regiment of 3000 soldiers and offering its service to Lincoln. On the other hand Enoch Louis Lowe, who also served as governor, openly advocated that Maryland should secede and join the Confederacy. Had Francis Thomas been governor of Maryland in 1861, the state might have known the sway of a second Parson Brownlow; or had Mr. Lowe been chief magistrate, then Governor Letcher, of Virginia, would possibly have had an official co-laborer for secession in the borderland. But Mr. Hicks, who at best was a temporizer, was state executive.

In approaching Hick's life the bitterness with which certain of his contemporaries judged his course must not influence too greatly the student's judgment; nor must the excessive flattery which, for obvious reasons, was poured

forth by northern orators at the time of his death be accepted at its face value. Mr. Hicks was governor of Maryland during the most critical days of the state's history and he had, in a greater measure than was ever accorded another chief magistrate of the state, an opportunity to engrave in glorious and indelible letters his name upon the commonwealth's history as well as upon that of the nation at large. But, at a time when to falter was to blunder fatally, Hicks faltered. Although his early sentiments seemed favorable to secession, it is possible that at the outbreak of the war he was opposed to the cause of the south; nevertheless, when called upon to decide on which side he stood, Hicks revealed what might be termed a border allegiance, and permitted the militia of the federal government to assume the rôle of converting him, by force, into a unionist. Posterity has less cause to find fault with him for this than he himself might have had to regret his action. If he was as strongly unionist as he later professed, then by having uttered the same sentiments before Butler came to Baltimore that he did after the arrival of that Union general, he might have vied with Mr. Andrew, of Massachusetts, for the place of first honor among the Union "war governors."

Thomas Holliday Hicks was almost sixty years of age when he became governor. He was born on September 2, 1798, the eldest boy in the large family reared by Henry C. and Mary (Sewell) Hicks, who lived on a farm in Dorchester county several miles from East New Market. Hicks attended a subscription school in the neighborhood of his home until he had reached an age when he desired to go out into the world for himself. He made his initial appearance as a public official in the humble capacity of town constable. But that he filled this position satisfactorily would seem to receive certification from the fact that in 1824, at the age

of twenty-five, Mr. Hicks was elected sheriff of his county. Later he purchased a farm on the Choptank river and subsequently abandoned the plow and removed to the southern part of the county, where, in 1833, he entered upon a mercantile career at Vienna.

Mr. Hicks was a member of the 1836 senatorial electoral college—that famous body made up of the so-called “glorious 19 Van Buren electors” and 21 whigs—he, of course, being among the latter. In the same year he was chosen a member of the general assembly; and the legislature, in 1837, named him and Mr. Pratt as members of the last governor’s council in Maryland. In the next year, when the council was abolished by the reform act, Mr. Hicks was appointed register of wills for Dorchester county. From 1838, when he became register, until 1851, when under the new constitution the office was made elective, he served by successive appointments in this position. In 1850 he was one of the representatives from Dorchester county to the constitutional convention which was to devise a new form of government for the commonwealth. He again assumed the duties of register of wills in 1855, and continued in the office until his election as governor.

Mr. Hicks was the American or know-nothing candidate for governor in 1857. The democrats nominated as their standard-bearer John C. Groome. Under the arbitrary rule of the know-nothings, however, the democratic candidate had little chance of success, since Baltimore was overwhelmingly against him. Although Ligon had been assured that everything would be done to prevent any conflict between the voters, the election was but a repetition of the earlier disgraceful affair when municipal officers were chosen. And not only did the know-nothing party carry the city for Hicks, but the state also gave him a majority, and the general assembly, as a result of the election, was strongly know-nothing.

Mr. Hicks became governor on January 13, 1858. His administration witnessed the period of preparation for the Civil War and the beginning of that conflict; and his own service to the state is remembered chiefly in so far as Maryland affairs were affected by the secession movement. Had Governor Hicks sincerely and fearlessly opposed secession, not even the southern historian could find fault with his anti-secession sentiments; or had he been favorable to the south, he would have needed no apologies for his choice. The questions, however, arise—and upon their solution must depend the regard in which Marylanders generally will hold Mr. Hicks—whether his professions throughout were insincere and if, at the crucial moment, he was guilty of cowardice, no matter what his real convictions. Although he was opposed to any move which would precipitate the nation into a sectional conflict, he gave expression on December 6, 1860, in a letter to a Prince George's countian, to the following secessionist sentiments: "If the Union must be dissolved let it be done calmly, deliberately and after full reflection on the part of the united south. \* \* \* After allowing a reasonable time for action on the part of the northern states, if they shall neglect or refuse to observe the plain requirements of the constitution, then, in my judgment, we shall be fully warranted in demanding a division of the country." Governor Hicks was in Baltimore when the Massachusetts troops, passing through the city on April 19, 1861, were set upon by the people of the city. After the close of that day of violence and bloodshed the state executive and Mayor Brown of Baltimore were visited by Marshal Kane and ex-Governor Lowe, who wished to have the railroad bridges leading into Baltimore burned, that they might thereby prevent a repetition of the day's tragedy, should the federal government seek to send the several thousand troops then reported near Cockeysville through Baltimore.

Governor Hicks, Lowe recorded in his report of the interview, said: " 'Well, I suppose it must be done,' or words of precisely that import, to which the mayor replied, substantially: 'Governor, I have no authority to act beyond the city limits, and can do nothing in this matter except by your direction. Shall the bridges be destroyed?' Governor Hicks emphatically and distinctly replied in the affirmative."

But in later days, when Governor Hicks wished to clear himself of the charge of having countenanced a burning of the bridges, he denied absolutely the testimony of Lowe, Kane and Mayor Brown, and sought to make himself out a good and unconditional Union man. And yet he left proof of how closely he approached an approval of secession, for in his communication to Lincoln, April 22, 1861, he wrote: "I feel it my duty most respectfully to advise you that no more troops be ordered or allowed to pass through Maryland, and that the troops now off Annapolis be sent elsewhere; and I most respectfully urge that a truce be offered by you so that the effusion of blood may be prevented. I respectfully suggest that Lord Lyons be requested to act as mediator between the contending parties of our country."

This was in April, 1861, and in October, 1863, Mr. Hicks, in a letter to Governor Bradford could find the courage to pen the words: "My God! How unfortunate it is that men in high places should say one thing one day and another the next day. \* \* \* Oh! what unfortunate times we have fallen on, and yet amid our perplexity we must not relax our efforts to do good. I feel sometimes like giving it up, but then I know it is what these unprincipled men desire and I determine anew that, if fall I must, I will fall fighting for the right. I publicly and privately proclaim myself for an emancipationist. I am honestly. My judgment is so —policy leads to it. I am in favor of putting the slaves in

the army, but cannot approve of their mode of doing it. I am in favor of letting everything but principle go to save the Union by crushing out the accursed rebellion that brought all our national and individual woes upon us." And this from a man who, according to Ex-Governor Lowe, "went into Monument Square on the afternoon of the memorable nineteenth of April last [1861], while the blood of the heroic youths of Baltimore \* \* \* was still fresh upon the pavements, and there called God to witness his loyalty to the south, and prayed that his right arm might rot from the socket if he ever raised it against his southern brethren."

The members of the legislature, and influential men in the state generally, requested Governor Hicks time and time again to call the legislature in extra session that the state might go on record as opposed to secession, but still dissatisfied with the attitude of the north toward the southern states. After the encounter between the people of Baltimore and the Massachusetts troops Governor Hicks called a special session of the legislature at Annapolis, but later changed the place of meeting to Frederick. In an address to the people of Maryland, this legislature, declared: "We cannot but know that a large proportion of the citizens of Maryland have been induced to believe that there is a probability that our deliberations may result in the passage of some measure committing this state to secession. It is, therefore, our duty to declare that all such fears are without just foundation. We know that we have no constitutional authority to take such action. You need not fear that there is a possibility that we will do so." And this address was unanimously adopted. Nevertheless, the federal government, without opposition or protest from Mr. Hicks, assumed an attitude toward Maryland's general assembly similar to that which it might have assumed toward the legislature of Mississippi. Simon Cameron, Lincoln's

secretary of war, wrote on September 11, 1861, that "the passage of any act of secession by the legislature of Maryland must be prevented. If necessary, all or any part of the members must be arrested." And every member or employee of the legislature who was not heart and soul with every feature of the republican administration was arrested.

The administration of Governor Hicks came to a close on January 8, 1862, when Mr. Bradford was inaugurated. The new executive appointed his predecessor United States senator to fill the unexpired term of James Alfred Pearce, and Mr. Hicks was later elected by the legislature to fill the senatorial term which expired March 8, 1867. Before he had completed the term to which he was elected, however, he died, at the Metropolitan Hotel, Washington, February 13, 1865. He had been three times married—first to Miss Anna Thompson, of Dorchester county; his second wife was Miss Leah Raleigh, of the same county; and the third Mrs. Hicks, who survived her husband, had been Mrs. Mary Wilcox, the widow of Hicks' cousin. The funeral of Senator Hicks was attended by a host of public officials. President Lincoln and his cabinet, the members of the supreme court, Governor Bradford of Maryland and Mayor Chapman of Baltimore—both accompanied by delegations, and a large number of senators and representatives attended the services held in the capitol at Washington. The body was first placed in a vault in the national capital, but later it was interred at the old Hicks farm in Dorchester county, and finally removed to Cambridge Cemetery, where the state erected a monument over the remains in 1868.

## AUGUSTUS W. BRADFORD

While two separate gubernatorial administrations were experienced by the people of Maryland during the conflict between the north and south, Mr. Bradford is by common consent accepted as the war-governor. The greater portion of Mr. Hicks' governorship was passed in the stormy days immediately preceding the conflict, although the tail-end of his term reached into the opening months of the war. But when Mr. Bradford came into office the struggle between the north and the slave states had settled down to a business basis. The harmless spectacle of earlier petty encounters had given place to the grim realities of war and with the progress of hostilities there was, naturally, a counter-advance toward positiveness in the political affairs of the state. The governmental machinery, adapted to its newer requirements, was no longer run experimentally as it had been in the days of Governor Hicks, but a Union governor and a Union legislature were seeking to run the affairs of the commonwealth in a way that would stress the political and soften the military aspect of government in Maryland. For four years Mr. Bradford governed Maryland, and the one feature of his administration which stands out in strongest relief is the courage with which he upheld the dignity of the state's government. In times such as those between 1861 and 1865, and in a commonwealth like Maryland, upon the borderland of conflict, there was bound to occur almost constantly friction between the military forces representing the United States and the political forces representing the authority



**AUGUSTUS WILLIAMSON BRADFORD**

**1862-1866**



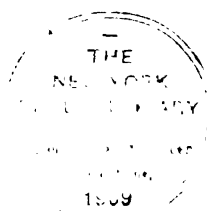
1871

LETTER W. B. L. H. C. P. S.

My dear Mr. H. C. P. S. I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, however, unable to say whether or not they will be successful in their efforts to secure the same. I am, nevertheless, very anxious to see that the same is done, and I am sure that you will be satisfied with the result. I am, Sir, very respectfully,  
Yours truly,  
W. B. L. H. C. P. S.



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of the commonwealth. Although there are incidents in the public career of Maryland's war governor which invite criticism, still there is no denying that for the particular needs of his time he was admirably equipped to direct state affairs.

Augustus Williamson Bradford was born at Belair, Harford county, January 9, 1806, the son of Samuel and Jane (Bond) Bradford. He received his elementary training at the academy conducted by Rev. Reuben H. Davis in his home town, and it is probable that during the early years of his school life he was attracted to the profession of civil engineering. At all events, he soon showed a liking for certain branches of this calling, and before finally entering upon a legal profession he found employment for a time as surveyor. Shortly after completing the courses at the Belair Academy, Mr. Bradford came to Baltimore to pursue his studies at St. Mary's College, from which he was graduated in 1824. He then returned to his native town, where he began to study law, and in 1826 was authorized to practice at the bar of Maryland. During the first years of his career as an attorney he continued a resident of Harford county, but as his ability developed with experience and he came to realize how necessarily limited was the field afforded by the little village of Belair, he determined to cast his lot in a more promising territory and turned his face toward the city in which he had for several years been a student. Mr. Bradford came to Baltimore in 1831, and the next 50 years of his life were passed in the Maryland metropolis.

Shortly after his coming to Baltimore Mr. Bradford became interested in the whig party, and for some years he gave that political organization a considerable portion of his time. In the presidential campaign of 1844 he was a warm supporter of Henry Clay, being a presidential elector for the Kentuckian. The defeat of his hero cooled his political ardor, and for some time thereafter he retired from

politics, refusing to go upon the stump and abstaining from attendance upon political meetings. During this season of retirement Mr. Bradford gave himself over to two pursuits—his development as a lawyer and the building of a home. As a lawyer he came to occupy a fair but not distinguished position in his profession. He was, however, a speaker of no mean ability, and he possessed a broad knowledge of law. He had married, in 1835, Miss Elizabeth Kell, daughter of Judge Thomas Kell, of Baltimore; and in the home which the Bradfords set up in Baltimore the governor passed the pleasantest days of his life. In 1845 Governor Pratt appointed Mr. Bradford clerk of Baltimore county, which position he retained for the next six years. But from 1851 to 1861 he did not take much part in public affairs.

Just before the outbreak of the war there were held in various parts of the country a number of conferences which had as their purpose a settlement of the differences between north and south without a resort to secession or arms. To the peace conference held in Washington in the spring of 1861 Mr. Bradford was sent by Governor Hicks as a representative of Maryland, and his speech there in favor of the Union doubtless won for him the gubernatorial nomination; for when the union party was formed in Maryland in the following summer it named Mr. Bradford as candidate for chief magistrate of the state. The democrats nominated Gen. Benjamin C. Howard.

The manner of Bradford's election is perhaps the least satisfactory feature of his entire career, private and public. That he had aught to do with the way in which the campaign was managed is doubtful, but that he had knowledge of the way in which his success had been brought about is past doubting. The only fault to be found with him, therefore, is his pretension that he had been chosen by the free vote of the people. It need not be assumed that without

the aid of the military he would have been defeated. The only vital fact, as far as the moral aspect of the thing is concerned, is that an enormous proportion of his vote was secured by intimidation and through the unlawful use of soldiery. The extent of this proportion must, of course, always remain an unknown quantity. A number of precautions were taken by the federal administration and its representatives stationed in Maryland to prevent the people from voting for any candidates but those on the union ticket at this election. The military officials had been authorized to suspend the habeas corpus and to arrest and hold in confinement till after the election those who fell under suspicion. And by this course the union gubernatorial candidate received in Baltimore 17,922 votes on November 6, 1861, while General Howard was credited with only 3347. Nevertheless, when Mr. Bradford assumed office, January 8, 1862, he declared that the spectacle of his inauguration seemed "to call to mind the value and success of republican institutions in recognizing, as it were, the power of the people peacefully to select and inaugurate their political rulers by the simple expression of the voice of the majority."

The opening of his administration inaugurated a marked change in the way that affairs were conducted in Maryland. The governor, beginning with his inaugural, condemned severely the creed of secession and the authors of that creed. He used all his energy in an untiring and unceasing endeavor to have Maryland and Baltimore support with both money and volunteers the arm of the federal government. But he opposed with courage the efforts of the military to continue those practices in Maryland by which he himself had been carried into office. He also assumed the championship in Maryland of those opposed to slavery, although at no time did he display the violent reason—

or unreason—of abolitionism. He declared that slavery was wrong morally, but he declared with greater emphasis that it was unwise economically. Out of his suggestion, to some extent, grew the constitutional convention of 1864, which undertook to frame a new constitution for Maryland. The document devised by the convention of 1864 accomplished the emancipation of the negro and the disfranchisement of all who fought for or aided the confederacy. It was, however, in some respects an unsatisfactory instrument, due to the manner in which it was produced and also to the general excitement of the times.

It was in 1863 that Governor Bradford had his most serious disagreement with the military forces in Maryland. This was his notorious encounter with Major-General Schenck, who had issued an order that the military officers were to be on hand at the election to arrest suspicious persons. "This extraordinary order," Bradford declared in a proclamation under date of November 2, 1863, "has not only been issued without any notice to or consultation with the constituted authorities of the state, but at a time and under circumstances when the condition of the state and the character of the candidates are such as to preclude the idea that the result of that election can in any way endanger either the safety of the government or the peace of the community," and he announced fearlessly that "it is the judgment of the judges of election alone, founded upon the provisions of the constitution and the laws of the state, that must determine the right to vote of any person offering himself for that purpose." The presumption of a mere state governor countermanding by proclamation the orders of a military commander came as a bomb in the camp of General Schenck.

During Governor Bradford's administration Baltimore was several times threatened by invasion by the Confed-



erates. On the last of these occasions Mr. Bradford's mansion was destroyed. The governor was not at home and so escaped arrest, or whatever would have been the outcome of an encounter between him and the Confederates. His beautiful mansion, however, his furniture and his entire library were given to the flames. At the election under the constitution of 1864, Thomas Swann was chosen governor. He took the oath of office and read his inaugural address on January 11, 1865, thus qualifying himself as Bradford's successor, although he did not become governor *de facto* until January 10, 1866, when Mr. Bradford's term expired.

In 1867 President Johnson appointed Mr. Bradford surveyor of the port of Baltimore, but when General Grant was inaugurated president in 1869 he removed him from the surveyor's office. Three years later, however, when Grant was repairing his political fences preliminary to his appearance for reelection, he announced the nomination of Mr. Bradford, without the latter's consent or knowledge, for the office of appraiser-general in the Baltimore custom-house. But the ex-governor promptly and emphatically refused to consider the appointment, declaring that the position called for one who had had experience as a merchant, which he lacked. "To accept would make me entirely dependent upon deputies and assistants, which would be utterly repugnant to my notions of official qualification or responsibility." The governor's last appearance in public life was as presidential elector on the Greeley ticket in 1872. He held no office after his removal as surveyor in 1869, but devoted his time to his family and his practice during the closing years of his life. He died in the city of Baltimore March 1, 1881, in the seventy-sixth year of his life.

## THOMAS SWANN

Four times has the Old Dominion supplied a man for Maryland's executive mansion, and each time it would appear the native son of Virginia made more than an ordinary record in the history of the state of his adoption. Mercer, who had seen service as soldier and legislator before he left his native state to try his fortunes in Maryland, won the distinction of being the first republican governor elected under the constitution of 1776. Ligon, after him, set a remarkable example of a state executive possessed of absolute fearlessness, who did not hesitate to make war not only on the legislature, but upon the municipal officials of Baltimore as well. The final of the four Virginians, Lloyd Lowndes, was born in Clarksburg, which is now in West Virginia. So far he has been the only republican governor elected in Maryland since the close of the Civil War. But of the Virginians who have crossed the Potomac to win their way to Maryland's executive mansion, none presented a more picturesque personality nor made a more lasting impression upon the state than he, who in point of time, is third—Thomas Swann. He came to the Old Line state to engage in business, and under his presidency the Baltimore and Ohio Railroad obtained a new lease on life, and its lines were carried westward over rivers and under mountains to new and rich fields. He deserted the railway office to enter politics, and as mayor of Baltimore accomplished more for the city's beauty and the citizens' convenience than any city executive before or after him. He became governor at a time when the majority of voters

THOMAS SWANN  
1866-1869

## THE LITTLE SWAN

There was a little swan who lived in a pond near a castle. He was very beautiful, and he was very kind. One day he saw a little girl who was very poor. She was sitting on the ground, and she was crying. The little swan went to her, and he asked her what was wrong. She told him that she was very poor, and she had no money to buy food. The little swan was very kind, and he gave her some food. She was very happy, and she thanked him. The little swan was very kind, and he gave her some food. She was very happy, and she thanked him.

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THE  
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1909

had been deprived of the ballot, and he promptly unloosed the shackles that a military-reinforced minority had riveted upon the majority. Finally, he sacrificed his own dearest ambition—to be United States senator—in order that he might save from hazard of undoing the labors which he had performed on the people's behalf.

Thomas Swann was born in Alexandria, Virginia, in 1805 or 1806. He would never tell the exact date of his birth, but a close relative asserted at the time of his death that he was then seventy-seven. Governor Swann came of one of the very first families of the Old Dominion. His father, also Thomas Swann, was a lawyer of considerable prominence, practicing chiefly in Washington, where he filled the office of United States attorney for the District of Columbia. Mrs. Swann, the governor's mother, had been Miss Jane Byrd Page, a descendant of the famous William Byrd, at one time receiver-general of the colonies. The youth of Thomas Swann, Jr., was passed among such surroundings as would inculcate into a receptive mind all the polish and refinement of manners that characterized the official circles at the national capital. He was entered at Columbian College, Washington, and subsequently attended the University of Virginia. Upon the completion of his college career, he entered his father's office as a law student, and there fitted himself for the legal profession. When President Jackson appointed the United States commission to Naples, Mr. Swann was chosen secretary of that body, serving in this capacity until the work of the commission was finished.

In November, 1834, Mr. Swann was married to Miss Elizabeth Gilmor Sherlock, daughter of John and Elizabeth Sherlock; and as a consequence of this marriage there occurred a change in both the scene and character of his subsequent activity. First, he took up his residence in Balti-

more, the home of his bride; and then, with his coming to the Maryland town, he made his appearance as a railroad official. He acquired considerable stock in the Baltimore and Ohio Railroad, of which company he was chosen a director. Upon the retirement of President Louis McLane in 1847, Mr. Swann was elected Mr. McLane's successor, and with his induction into this office began a period of determined advance in the history of the railroad. After severing his connection with the Baltimore and Ohio in 1853, Mr. Swann assumed the presidency of the Northwestern Virginia Railroad Company, and while serving as president of this latter enterprise made an extensive tour of Europe.

Upon his return to America, he appeared to have lost his ambition to be a railroad builder in the more absorbing passion for political honors. At all events, in 1856 Mr. Swann announced his candidacy for mayor of Baltimore, and was elected for a term of two years. He was reelected for a like term in 1858, thus serving four years in this office; and it would be difficult to overestimate the importance which attaches to these years in the chronicles of Baltimore's growth. The primary accomplishment of the mayoralty administration of Mr. Swann was the establishment of a street car service. In securing this modern convenience for the people of the city he at the same time planned carefully and wisely that the municipality should receive from those favored with the privilege of laying tracks and operating cars on the streets an equitable return. Thus there was devised the park-tax system, which required the railway company or companies to pay to the city a certain percentage of their earnings. This source of revenue was designed to afford the means for developing the city artistically, and Mayor Swann had it specified that moneys received from the car lines should be devoted to purchasing and maintain-



ing land as public parks. He was responsible, in this connection, for the acquisition of Druid Hill Park, the city's most notable public pleasure ground. It was during his administration, too, that the inadequate volunteer fire companies were superseded by a municipal fire department and the old fashioned pumps gave way to steam fire engines.

The one unfortunate feature of Governor Swann's official relations with Baltimore is the fact that he appeared as the standard-bearer of the know-nothing party. The first municipal election in which he was a candidate was that of October 8, 1856; and in certain particulars this election filled respectable Baltimoreans with apprehension. There was dishonesty in voting, there was violence and bloodshed around the polls, and there was on the part of the know-nothing leaders an absolute disregard of public morality.

As the time approached for the gubernatorial election of 1857 Governor Ligon became uneasy lest the ballot-box be made a mockery by the lawlessness of the know-nothing politicians. He entered into communication with the city officials, looking to an honest election, but his advances were not kindly received in the city. Mr. Ligon, however, was not a timid man, and when he learned of the officials' disinclination to coöperate with him in having a decent election in Baltimore, he promptly gave some hint of his determination to down rowdyism as a political factor by issuing a proclamation in which he announced that Baltimore would be put under military rule on election day. The proclamation caused much excitement, and leading citizens of Baltimore prevailed upon the state executive to reconsider his purpose, as they feared a conflict between the soldiery and the people. Mayor Swann then declared that every precaution would be taken to have the election orderly,

provided the proclamation was superseded by another cancelling the order for military rule.

Despite the mayor's assurance the same reign of terror and violence marked the election, and Mr. Hicks, the know-nothing candidate, was reported to have polled a majority of 9036 votes in Baltimore. There were repeated efforts at this time to inaugurate some sort of reform in Baltimore politics, but the movement was too feeble to accomplish its object. Mayor Swann appeared for reelection in 1858, and some idea of how things were run is given in the attitude of his opponent, Mr. A. P. Shutt. About noon of election day Mr. Shutt advised his friends to make no further effort to cast ballots for him, declaring that their ballots would be lost anyway and that any effort to vote other than a know-nothing ticket meant the endangering of the life of the voter. The majority for Mr. Swann was declared to be 19,149.

Up to 1860 the political activities of Thomas Swann had been confined almost entirely to Baltimore. In that year however, the know-nothing party lost its hold in Maryland, while elsewhere in the nation it had ceased to exist some time before. The conflict incident to the Civil War was bringing about a change in the political complexion of the nation, and a considerable portion of the know-nothing following became union, and later republican; while part of the organization attached itself to the democratic party either before the opening of the war or shortly thereafter. Mr. Swann early took a decided stand against secession. When the conflict began he joined the forces of the union party and labored with that organization during the four years of hostilities, but he subsequently became a democrat. His speeches during the period from 1861 to 1864 focused upon him the attention of the union party's leaders in Maryland, and when the state convention was assembled on October 18, 1864, he was unanimously nominated for

governor. Under the constitution of 1864, which was in force only during Governor Swann's administration, a lieutenant-governor was provided for, and the unconditional union party named for this position, as Mr. Swann's running mate Christopher C. Cox. Swann and Cox were elected, and Mr. Swann took the oath of office on January 11, 1865, although he did not become governor *de facto* until a year later, January 10, 1866.

When Mr. Swann assumed the reins of state government in 1866 he gave his fellow-citizens every reason to believe that he would pursue the course begun by his predecessor, and that he would hold steadfast to the principles of the union party. But when that party turned radical, and sought to retain power in states where its adherents were few by withholding from its political opponents the elective franchise, Swann refused to follow it. Almost immediately after his induction into office, Governor Swann gave his ear to those who were laboring for the restoration of Maryland to its rightful majority. When a petition bearing more than 20,000 names was presented to the general assembly, asking it to restore to Marylanders the elective franchise, the governor sustained the petitioners, but the legislature did not see fit to grant the request.

The real tug of war came later, when it was alleged that the police commissioners of Baltimore had been guilty of partisan conduct in the municipal election on October 10, 1866. The commissioners were subject to removal for misconduct by the legislature, but during a recess this judicial authority devolved upon the state executive. Governor Swann, consequently, advised the commissioners that charges had been made against them, and that he would sit in judgment over them; but the commissioners denied the governor's authority. Nevertheless, the charges were investigated and Governor Swann announced, Novem-

ber 1, 1866, that Commissioners Wood and Hindes were found guilty and dismissed, while Thomas Valant and James Young were appointed as their successors. The old commissioners issued warrants for the arrest of their successors, and had them detained in jail because they refused to give bond that no effort would be made to supplant the men whom Governor Swann had dismissed. Although the disagreement between the state executive and the old commissioners became so serious that Mr. Swann requested assistance from the federal government, a fairly peaceable election was held on November 6, when the supporters of radical disfranchisement measures met with defeat.

The general assembly on January 25, 1867, elected Governor Swann, on the eighth ballot, as the successor of John A. J. Creswell in the United States senate. After arrangements had been made for the inauguration of Mr. Cox as governor, certain leaders of the democratic party prevailed upon Swann not to surrender the office to the lieutenant-governor, who was a radical, for fear that he would undo the things Swann had accomplished in restoring the elective franchise to Maryland's democrats. At the same time word came from Washington that the senate might refuse the credentials of the senator-elect on the ground that he had been too liberal toward friends of the southern cause. This latter explanation was used as an excuse by Governor Swann in declining at the last minute to resign. He continued as governor until January 1869, but compensated Cox for his disappointment by having him appointed to a foreign post.

In November preceding his retirement as governor Mr. Swann appeared as a candidate for congress from the fourth district and was elected, despite the violent opposition of the republicans. He took his seat in the house

of representatives in 1869, and after serving an initial term was four times reelected, carrying his congressional career through to 1879. It is probable that as a member of congress he found the most congenial public office to which he had been called during his busy life. He was not a great public speaker, for his voice lacked the volume essential to effective oratory; nor was he formidable in debate, since he had too deeply ingrained in him a courtesy of manner that left his adversary unharmed; but as an executive he was far above most of the men with whom he was thrown in public affairs. His executive ability won for him a place upon the house's committee on foreign affairs, and during his ten years in congress he continued a member of this body. In this connection he exerted much influence in the national legislature. The position, moreover, brought him in intimate relations with the most distinguished foreigners in Washington. He entertained generously and was entertained lavishly in return.

Very late in life, Governor Swann made a second venture into matrimony. On June 20, 1878, when he had reached the age of seventy-one or seventy-two, he married Mrs. John R. Thompson, a social leader of the national capital, who, as Miss Josephine Ward, had been a famous belle in New York society. The marriage did not bring much joy to the aged statesman and the couple soon separated. Governor Swann, who had become a resident of Baltimore in the thirties, removed to his old home, Morven Park, near Leesburg, Va., after the close of his congressional career, and it was there that he died on July 24, 1883. Although a native of the Old Dominion, his body was brought for burial to the city and state that he had adopted as his own. He lies buried in Greenmount Cemetery, Baltimore.

## XXXIV

# ODEN BOWIE

A certain sentimental interest attaches itself to the first born. This is so not only in the family, or in the social world, but in the world political as well, for just as seniority is no little factor in determining the consideration to be shown those born of woman, so also a large amount of honor, based solely upon the fact of priority in office, is given to the first child of a political parent. For instance, had Thomas Johnson lacked the discernment essential to a successful statesman or the wisdom necessary to a capable legislator, he would still find a place of peculiar distinction in the pages of Maryland history as the first governor created under the constitution of 1776. Following after him William Grason, regardless of the intrinsic worth which he so largely possessed, would have been set down as entitled to some recognition from posterity on account of having been the first state executive chosen by the direct vote of the people. And still later there appears Oden Bowie, to whose name attaches considerable interest because he was the first governor under the constitution of 1867. It must not be supposed, of course, that Governor Bowie is dependent upon so trivial a thing as his position in the line of state executives for fame. Within his body there was housed a personality that would have won for him distinction independent of all such external aids. There is, nevertheless, a great deal of pleasure in contemplating the Prince George's countian as the initial one of Maryland's truly representative governors.

**ODEN BOWIE**

**1869-1872**

ONE / BOLT





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Oden Bowie was born in Prince George's county on November 10, 1826, the eldest son of Colonel William D. and Mary Eliza (Oden) Bowie. His father, who had served in both houses of the legislature, farmed the 1000-acre estate of Fairview where the governor spent the greater part of his life. Young Bowie studied at home under a private tutor until his tenth year, when, upon the death of his mother, he was sent to the preparatory school attached to St. John's, Annapolis. He remained there for three years, and then entered St. Mary's Seminary, Baltimore, from which he was graduated in 1845. Shortly after leaving college the difficulties between the United States and Mexico fired his patriotism and he enlisted as a private in the battalion contributed by Baltimore and Washington to the army of invasion. During his stay in the south he took part in several of the more important encounters. For his bravery at Monterey he was promoted to a lieutenancy, and subsequently was commissioned a captain in the Voltigeur Regiment. The climate of Mexico, however, put an end to Mr Bowie's military career, for his services in the army, begun under such auspicious conditions, were brought to an unexpected close by sickness. Captain Bowie was forced to resign his commission and returned home before the war had been brought to its successful close.

Immediately upon his arrival in Prince George's, Mr. Bowie appeared as a candidate for member of the house of delegates. His opponents made much of the youth of the warrior-candidate, who was not yet of age, although he would have attained his majority before being called upon to assume his seat if elected; and in consequence of the doubt as to his eligibility Mr. Bowie was defeated, but by ten votes only. In 1849 he once more came before the people as a candidate for the lower branch of the general assembly. and was elected. Two years later, December 3, 1851, he

was married to Miss Alice Carter, daughter of Charles H. Carter—a fellow-countian. The Bowies lived at "Fairview," the ancestral estate of the governor. While Mr. Bowie devoted much time thereafter to his business interests in Baltimore, and also to politics, he managed to maintain his Prince George's county estate as "home." He lived there, and while business might call him away through the day, evening invariably found him back on the farm.

Although Mr. Bowie served in both the house of delegates and the state senate prior to 1860, it was not until after that time that he loomed up big in the public affairs of his native state. In 1860 he was chosen president of the recently organized Baltimore and Potomac Railroad, and his energy and good management were largely instrumental in the success of carrying to completion this line. He met with serious opposition from the Baltimore and Ohio and had to war with this company unceasingly to prevent it from succeeding in its efforts to keep its prospective rival from finishing the work undertaken. After the Baltimore and Potomac had become a part of the Pennsylvania system Mr. Bowie was retained as its president. The office, however, had become merely a nominal one, and the Marylander was continued as a means of showing the company's appreciation for the great service he had rendered and the interest he had shown in the building of the line, for the actual management was in the hands of the Philadelphia office of the railway company.

Oden Bowie appeared as a candidate for the state senate from Prince George's county in 1861. He was a "peace" democrat, but certain defeat was read for his campaign by the interference of the federal forces in the state election. Although an ardent democrat and also a warm sympathizer with the south, he was opposed to the radical course of the secessionists. He was chairman of the state

central committee during the war and was a delegate to the democratic national convention of 1864, which nominated General McClellan for president. The state constitution of 1864 provided for a governor and lieutenant-governor, and in the election under the operation of this governmental instrument Mr. Bowie was named as the democratic nominee for the second position on the ticket. Mr. Cox, the union candidate for lieutenant-governor, who had the war forces with him, polled in Maryland 41,828 votes as against 32,178 for Mr. Bowie. Mr. Bowie was elected to the state senate in 1867, where he served upon several important committees, including that upon federal relations. Early in this year began the agitation for a constitutional convention, and when the people of Maryland who were then eligible to vote were asked to decide if a convention should be called, out of the 58,718 votes cast on the 13th of April, 34,534 were for a convention and 24,136 against it.

The convention met on May 8, 1867, and continued in session until August 17, and the document which it devised was submitted to the people of Maryland on September 18, 1867, when it was adopted by a small majority. This constitution restored to thousands of disfranchised Marylanders the right to vote, and at the state election on November 5, 1867, the democrats carried everything before them. Mr. Bowie, who had been largely instrumental in bringing about the change, was the nominee for governor on the democratic ticket and of the 85,744 votes cast 63,694 were given to him, while the legislature chosen for the following year presented the unusual spectacle of a general assembly without an opposition—every member elected being a democrat.

Under the constitution of 1867 the first state executive elected was to serve for only three years, but all subse-

quent governors were to be chosen for a four-year term. Mr. Bowie qualified as Swann's successor on January 8, 1868, although he did not become governor *de facto* until a year later, or January 13, 1869. He remained in office until January 10, 1872.

The greatest task of Mr. Bowie's administration was the readjustment of a host of state affairs after the disarrangement consequent upon the troubled times of the conflict between the North and South. By the adoption of the constitution under which he served as governor the political machinery of the state had been restored to the proper authority and Governor Bowie was, therefore, little troubled with political affairs. To him came rather the great business problems of the commonwealth, such as a settlement of the dispute with Virginia regarding oyster beds, the collection of arrears from the Baltimore and Ohio Railroad, and adjustment of Maryland's war claims against the federal government and kindred subjects. He courageously opposed the Baltimore and Ohio Railroad in its endeavors to block the Baltimore and Potomac Railroad; he exerted a great influence upon the management of the Chesapeake and Ohio Canal Company, which began to fulfill promises which had been made for it in the days when it was first projected; he took the initiative in providing for Maryland a general improvement of its roads, and he was active in the interest of public education.

With the close of his administration, when he retired from politics, began his direction of the affairs of the Baltimore City Passenger Railway. Mr. Bowie was elected president of the street railway company in 1873, when its stock, with a par value of \$25, was selling at \$14; when no dividends had been paid for several years, and when the city held a claim against it for \$100,000 for park tax arrears. Furthermore, the equipment and trackage were in wretched condi-

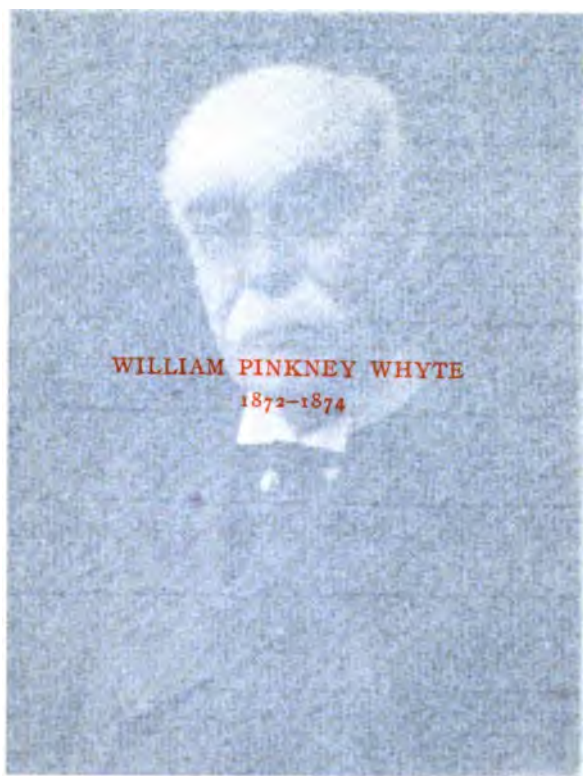
tion. Under his management the city's claim was paid, the horse-car lines operated by the company were changed to rapid transit and the stock was greatly enhanced in value. Governor Bowie's presidency of the company continued until his death in 1894, and it was through his efficient management, in a large measure, that the great strides made by the City Passenger Railway were accomplished.

In 1870 Mr. Bowie became president of the Maryland Jockey Club, which was organized about that time, and in whose formation he was active. It was to him that chief credit was due for the acquisition of the Pimlico racetrack by the Maryland Jockey Club. His own stables were renowned throughout the land and his colors were seen upon every racetrack of note in the country, while his horses—among them Crickmore, Compensation, Oriole and Belle d'Or—brought to their breeder both pleasure and wealth. At his Prince George's county home Mr. Bowie had a three-quarter mile racetrack, and here he exercised the thoroughbreds that found shelter in his five stables. In 1890 Mr. Bowie had a nervous breakdown, and the physician whom he consulted declared it imperative that he immediately cease his attendance upon races and also sell his horses. Governor Bowie thereupon retired from the turf, but he frankly admitted that the greatest sorrow that his life had known, or ever could know, was that moment when he concluded to part with his thoroughbreds. He died December 4, 1894, at Fairview, and his body was placed at rest in the family burial plot but a short distance from the home in which he had passed most of his life.

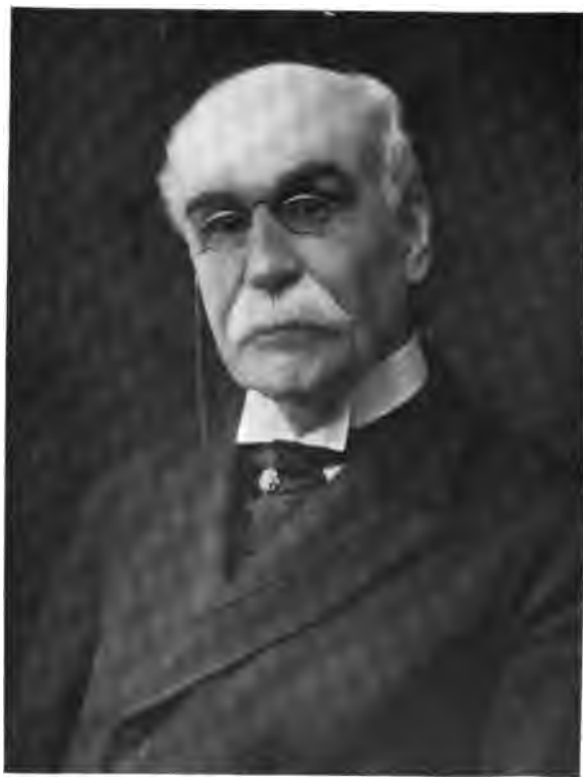
## WILLIAM PINKNEY WHYTE

There is need to enter protest occasionally against the practice of crediting all virtues to ages past, a practice arising from an unconscious, though harmful, pessimism. Certain phrases that are in daily use by the people—such, for instance, as “gentleman of the old school” when applied to a man who is courteous in manner, dignified in bearing, and upright in life—are so employed as to intimate that in the dim days of yesteryear a better race of citizens was developed than is possible under existing conditions. Ignorance is generally responsible for the blunders along this line. As a matter of fact, the righteous man is not good because his times are good, but because his conscience is untrammelled; the wise man does not procure breadth of mind, he develops it; and the truly brave man is not dependent upon those about him for courage to abide by the right. Commonplaceness in natural endowments, in conduct and in accomplishments may be general; but greatness invariably is individual. Mr. Whyte was constantly written down: “A democrat of the old school,” a term which not only did the distinguished statesman a wrong, but was grossly unfair to modern democracy. The democratic party of the forties and fifties was not better, indeed, it was not as good as the democratic party of the twentieth century, and the same is true of the organization which late in the fifties assumed the name: republican. There was more wickedness and less righteousness in politics in those years, than at the

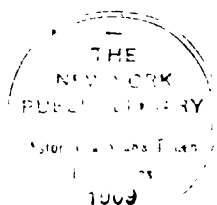




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present time; and whatever distinction has been won by men in the class with Governor Whyte, came to them, not because of the times in which they were reared, but rather because they themselves were in large measure out of tune with their times.

William Pinkney Whyte was born in Baltimore, August 9, 1824, the son of Joseph White and Isabella Pinkney White. On his father's side he was a grandson of Dr. John Campbell White, who in 1798 came to America as the result of the failure of the Irish rebellion in which he had taken part; on his maternal side Governor Whyte was a grandson of William Pinkney, who served Maryland with much distinction, and at the time of his death was a member of the United States senate. A disagreement upon a business matter between the father of Governor Whyte and his two uncles caused two of the former's sons to make such changes in their names as would distinguish them from their uncles' branches of the family: Governor Whyte substituted the "y" in his surname in place of "i," but his brother became Campbell White Pinkney.

Although Governor Whyte received a thorough elementary education, the need of earning his own living prevented him from going beyond the secondary schools. He was a student for some years at the school which R. M. McNally—sometime in the personal service of the great Napoleon—conducted in Baltimore after the downfall of the French monarch; but in 1842, when Mr. Whyte was eighteen years of age, he was forced to leave the studies, in which he was considerably engrossed, to take a position in the commercial world, for which he entertained no special affection. His first position was with the banking house of Peabody, Riggs and Company—founded by George Peabody—where he remained for two years. He then decided to study law, and resigned his position with the banking house, 1843,

to enter the office of the law firm of Brown and Brune. He read law here for a year, and later entered Harvard Law School at Cambridge. Mr. Whyte returned to Baltimore in 1845, and for the next year continued his studies under Judge John Glenn. He was admitted to the bar in 1846. At this time he also made his appearance as a political factor, being one of the five democratic candidates for the house of delegates from Baltimore. In the fall of that year he was elected, beginning his service in January, 1847. This small experience whetted Mr. Whyte's appetite for larger things and he entered the congressional primaries two years later against John Nelson, former attorney-general of the United States. Although Mr. Whyte won the nomination, he was unable, in the election, to overcome the predominance of whig sentiment in the district and his chief gain from the campaign was the glory of having made a good fight. For several years thereafter he gave his time to his legal practice, declining a renomination for state delegate, but early in the fifties he was named for comptroller and elected. He served for the one term of two years during the first half of Governor Ligon's administration, but refused to allow his name to be put up for another term in 1856.

It was somewhat in a spirit of patriotism that Mr. Whyte once more made a fight for election to congress in 1857. At this period know-nothingism was supreme in the Monumental city, and, while it required courage to be the supporter of an opponent of the know-nothing party, it called for absolute fearlessness to be such a candidate-opponent. But the friends of good government persuaded Mr. Whyte that by going into the contest, although his defeat was assured, he would be able to aid reform matters in Maryland. J. Morrison Harris, the know-nothing candidate, was declared elected by Governor Hicks, himself a violent

know-nothing; but Mr. Whyte, who had entered the campaign for the purpose of purifying politics, did not allow the matter to rest here, and he contested the seating of his opponent. Although the congressional committee which investigated the matter reported in favor of the unseating of Mr. Harris, certain leaders in congress succeeded upon a purely partisan vote in having the report laid upon the table.

From 1860 to 1868 Mr. Whyte was not much in the public eye. In sympathy with the south, his physical condition at that time was not such as to permit him to bear arms; and drafted for military service on one occasion by the federal troops he was declined as "unfit" by their medical examiner. With many another noncombatant he was deprived of his rights as a citizen in the reign of the more bitter reconstructionists, and during this period of temporary disenfranchisement he visited Europe with his sons. Upon the adoption of the constitution of 1867, however, Mr. Whyte was once more enabled to take a leading part in both state and national affairs. He was a delegate to the national democratic convention of 1868, and in the same year received his first appointment as a member of the United States senate. When Reverdy Johnson resigned his seat in the upper house of congress that he might accept from President Johnson the appointment of minister to the court of St. James, Governor Swann named Mr. Whyte to fill the unexpired term from July 10, 1868, till the following year, when William T. Hamilton, who had been elected to the United States senate by the legislature prior to Mr. Whyte's appointment, took his seat. Brief as was that period, in it Senator Whyte found opportunity not only to distinguish himself, but to render a signal service in upholding the constitution. Congress was then at odds with the president, and when, on December 9, 1868,

his annual message, in which he roundly scored his enemies, was received, the radicals interrupted its reading and moved to have it placed upon the table. Senator Whyte, one of a handful of congressmen who had not been infected with hatred for Andrew Johnson, calmly and fearlessly pointed out to his colleagues that the constitution instructed the president to send at prescribed periods a message to congress, and for congress to refuse to receive it would be a violation of the constitution, and the message was read.

Mr. Whyte was named on the democratic ticket for governor in the spring of 1871, and in the campaign was opposed by Jacob Tome, republican. The campaign has interest outside of its general aspect inasmuch as it was the first Maryland state election in which the negro was permitted to exercise the elective franchise. This departure accounts for the falling off from 40,000 majority given Governor Bowie in 1867 to a little more than 15,000 for Mr. Whyte in 1871. Mr. Whyte was inaugurated governor on January 10, 1872, and for a little more than two years thereafter, he administered the affairs of the executive office. His administration was efficient and fulfilled the most sanguine hopes of his supporters, and yet there was not much of distinction about it. Were his services as a legislator less conspicuous, it is possible that the governorship of Mr. Whyte might appear to greater advantage; but as a lawmaker his life had been so eventful, while as executive his administration was cast in a time so bare of incident, that Governor Whyte seems completely overshadowed by Senator Whyte. Furthermore, when the legislature which met in the early part of 1874 undertook to provide a successor for Senator Hamilton, its choice fell upon Governor Whyte, and thus was brought to a premature end his career as chief magistrate of Maryland.

Governor Whyte, upon being elected United States sena-



tor, immediately laid before the legislature his resignation as governor, although the term for which he was chosen was not to begin until full twelve months later. This course was taken in order that the legislature might duly select a successor. James Black Groome having been chosen for the unexpired term as governor, Mr. Whyte relinquished the office on March 4, 1874, and devoted the months until March 4, 1875, when he entered congress, to his legal practice and private affairs. During this period he served his state as special counsel in the boundary-dispute case between Maryland and Virginia, and, due to his energetic prosecution of the Old Line state's claim, his native commonwealth gained a signal victory.

From March 4, 1875, to March 3, 1881, Mr. Whyte represented Maryland in the United States senate, and those six years mark, perhaps, the most brilliant period of his public career. He had stepped out of the executive mansion to don the toga, and it was not long before evidence was given of the wisdom which prompted the change. In his earlier short term in the senate, Mr. Whyte had been called to perform vastly different service from what was now required of him. To war against popular prejudice, to champion an unloved president, was the most that he then could do; but his second term in the senate found the nation at that period of its life when the democratic party could become constructive once more; when it could, even though in the minority in congress, exert a mighty influence in the nation's affairs.

This term in the senate from 1875 to 1881 is marked by three chapters of unusual brilliancy: these are Senator Whyte's championship of sound currency, at a time when the congress of the United States was being tempted to adopt a false financial policy; his determined opposition to a course in the presidential election of 1876 that lost to

Tilden his undoubted victory over Hayes through the action of the national legislature; and his devising a form of government for the District of Columbia. In the last of these services Senator Whyte made the greatest personal contribution to the nation's welfare, for he labored individually to a larger extent than in either of the other two causes.

It was in 1880 that the rupture between Senator Whyte and Mr. Gorman occurred. The legislature of that year was called upon to select a successor to Senator Whyte, who had some time previously announced that he would not be a candidate for reelection. Subsequently, however, certain leading democrats declared that the retirement of Mr. Whyte from the United States senate would be an irreparable loss to both state and nation, and they prevailed upon him to alter his purpose. Mr. Whyte had on more than one occasion accepted the decree of other friends of good government in preference to his personal judgment, and he followed a like course now. But in the meantime Mr. Gorman, who had previously disclaimed any intention of seeking senatorial honors, listened to the siren voices of those who would make him Whyte's successor, and his professed determination was changed almost simultaneously with that of Senator Whyte. As a consequence the supporters of the two candidates engaged in a bitter contest for the senatorship, and the Gorman element, having had a slight advantage in point of preparation, won out.

The same year that Senator Whyte retired from congress, the Old Line democrats of Baltimore inaugurated their movement for reform within the party lines. They named Mr. Whyte as their candidate for mayor, and the regular or organization democrats, finding themselves too weak for warring on both the reform candidate and the republicans, also named Mr. Whyte for first place upon the regular

democratic ticket. Then the republicans, duly impressed with the former senator's strength, declined to name an opposing candidate, and so it was that Mr. Whyte was elected mayor of Baltimore without opposition, in 1881. Although he found his new duties somewhat irksome, he held faithfully to the office to which he had been elected; and in some matters, such as the question of the water department, he succeeded in improving the service given the residents of the municipality. It was not long, however, before he once more found himself in conflict with Senator Gorman. In 1882 the so-called "new judge" movement occurred. Several judges were to be elected in Baltimore, and a ticket of men already on the bench—all known to be kindly disposed personally to Mr. Whyte—was regularly named by the democrats. Then the Gorman democrats, who did not favor Whyte's influence in city politics, started a revolt. The war-cry was, that Mayor Whyte was seeking to be dictator in Baltimore's public affairs; new candidates for judges were named and the assertion made that this second ticket was brought into the field solely because of the need for reform in the judiciary. The Gorman forces, aided considerably by republicans, defeated the so-called "Whyte judges," and the next year, 1883, at the close of the mayoralty term for which Mr. Whyte had been elected, he retired from politics and for four years thereafter gave his entire time to his legal practice.

The democratic state convention of 1887, which nominated E. E. Jackson for governor, called Senator Whyte once more into the political arena by naming him, without his permission or knowledge, for attorney-general of Maryland, an office to which his grandfather, William Pinkney, had been elected eighty-two years before. Mr. Whyte was successful in the campaign and for the next four years directed the affairs of the attorney-general's department

with ability and justice. In the year that he terminated his attorney-generalship, Senator Whyte was wedded to Mrs. Raleigh Thomas, a widow who had formerly been Miss Mary McDonald. This marriage, which was solemnized on April 22, 1892, was Mr. Whyte's second. His first wife, to whom he was married December 7, 1847, was Miss Louisa D. Hollingsworth, of Baltimore, who died in 1884.

Mr. Whyte was a member of the commission appointed by Mayor Malster, upon authority accorded by the legislature of 1896, to frame a new charter for Baltimore, and was chairman of this body. The work to be accomplished was monumental; the time at the commission's disposal was unfortunately scant; but the charter commission performed its work judiciously and promptly. President Benjamin Harrison appointed Senator Whyte, in 1889, a delegate to the congress of American nations, but because of pressing public duties the Marylander had to decline the honor.

Appointed city solicitor in 1900, Senator Whyte performed the duties of this office for three years. Senator Whyte retired as city solicitor in 1903, and for the three years thereafter gave his time chiefly to his legal practice. But in 1906, upon the death of Senator Gorman, he was once more called into public service. Governor Warfield appointed Mr. Whyte to the vacant senatorship until the legislature should in due form elect another. The commission bore date of June 8, 1906. In the first democratic senatorial primary in Maryland, held in the fall of 1907, Mr. Whyte was the sole candidate to be his own successor for the remaining portion of Mr. Gorman's unexpired term, and he was given a very flattering vote. He died before the completion of his term, March 17, 1908.

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БРОДНО ПОРТИ СНАД

ОПТИ-Л. 2.

**JAMES BLACK GROOME**

**1874-1876**





## JAMES BLACK GROOME

Because a people live under a republican form of government is not conclusive evidence that all, or for that matter that any of them are, as far as political views are concerned, positively republican; no more than can citizenship in a kingdom or principality be finally accepted as the badge of royalism. Indeed, many a royalist is streaked with republican theories, which he seeks to down because he fears they may undermine his royalist faith; seldom, if ever, does the despot believe absolutely in despotism; and the professing democrat is frequently democratic in just so much as suits his worldly purpose. In brief, within a nation whose political doctrines have been produced by natural evolution it is difficult to find a pure type of any particular class of political believer. The masses, of course, are not generally positive in their convictions as are the leaders—or, at least, those who stand forth in strong relief against the background of the average, but even the professions of these conspicuous ones are distressingly often at variance with their conscious opinion. Thus, for example, when colonial word-jugglers cried: "Give us liberty or give us death," the majority had in mind as the attainment of the former simply a continuance of monarchical rule under home-made rulers. On the other hand many a self-styled republican is unable to distinguish the autocratic demagogue from the true democrat.

When, however, the historical student approaches the life of Governor Groome and lays bare the most secret recesses of his public and private career, he is tempted to

write him down—a democrat pure and undefiled. By so doing he may err, but it will be an excusable transgression, for the record left by the man who succeeded Governor Whyte in the executive mansion is deeply impressed with the tracings of a remarkably democratic spirit. A democrat, in the broader sense, is “one who believes in or adheres to democracy as a principle of government or of organized society; one who believes in political and natural equality; an opponent of arbitrary or hereditary distinction of rank and privilege.” A man who champions the masses and opposes the classes is too often accorded the credit of being democratic, but he is no more democratic in truth than one who favors the few and is antagonistic to the mass. The real democrat is he who is able to be friendly to the many and the few simultaneously, who will not oppose, instinctively or otherwise, the proud nor the humble, the strong nor the weak, the rich nor the poor; one who will not discriminate in favor of any class because of its class—and such a man was Mr. Groome. The first claim of Governor Groome to posterity’s recognition rests upon the fact that he, to an extent never before equaled by a chief magistrate of Maryland, was possessed of a broad and undiluted democracy. Governor Groome, according to a very sane editorial in his home paper at the time of his death, “was everybody’s friend. \* \* \* The humblest could approach him without a sense of restraint, but none were so mighty as to feel disposed to trifle with him.”

James Black Groome, born on April 4, 1838, at Elkton, Maryland, had his early life cast in an atmosphere of culture and refinement. His father, Col. John Charles Groome, was a man of considerable prominence. A lawyer by profession, he occasionally took a hand in political affairs, and in the exciting times when the know-nothings held Maryland in a grip of steel opposed Thomas H. Hicks for the

governorship, but was defeated. Mrs. Elizabeth (Black) Groome, the governor's mother, was the daughter of Judge Black, of New Castle, Delaware. When an infant, James Black Groome met with an accident that resulted in physical injuries from which he never fully recovered, and throughout his life he had to fight constantly against sickness. When a youth he entered Tennent School, at Harts-ville, Pennsylvania, to prepare for Princeton College, but his eyesight failed him and he was forced to abandon his purpose of taking a collegiate course. He made the best of his misfortune, returned home and studied law under his father, and was admitted to the bar of Maryland in 1861.

Unable to take active part in the Civil War, Mr. Groome set himself the task of watching over the interests of those who, because their bodies were stronger, took up arms, and as soon as the conflict had been ended he worked faithfully to repair the injured political fabric. Active among those who favored the calling of a constitutional convention, he was a delegate from Cecil county to the gathering which, in 1867, framed the present constitution of Maryland. Under the operation of the new constitution, Mr. Groome labored untiringly for the success of the democratic party in his own county, though he did not appear for some time as a candidate for office. It was not until 1871 that he asked his neighbors to honor him by sending him to the lower branch of the legislature, and in the election he was successful. He served as a member of the house of delegates in the session of 1872. During this term evidence of Mr. Groome's popularity among the Eastern Shore members was shown when the general assembly met to elect a United States senator, for, although not able to marshal enough votes to make him a very hopeful aspirant, he, nevertheless, had sufficient support for the senatorship to show that he was highly regarded by those who knew him best.

Mr. Groome stood for reelection in 1873 and was chosen a member of the legislature which met in the following year. Early in the session the general assembly elected William Pinkney Whyte, then governor of Maryland, to a seat in the United States senate; and, while the term for which Mr. Whyte was chosen did not begin until 1875, he immediately placed his resignation as chief magistrate of Maryland before the legislature in order that that body might elect his successor. Of the many aspirants for the honor, Mr. Groome had the heartiest support, and he was elected governor for the unexpired term of Mr. Whyte. The latter relinquished the executive office on March 4, 1874, and Mr. Groome, who assumed the duties upon that occasion, served Maryland as its executive until January 12, 1876, when his successor, John Lee Carroll, was inaugurated.

When Mr. Groome became governor he was just thirty-five years of age, and, therefore, one of the youngest chief magistrates in the history of Maryland. His administration, especially at its close, witnessed much bitter feeling and passion in Maryland, part of which found expression in the contest of the election of several leading state officials. A notable incident in this connection was the effort of S. Teackle Wallis, the unsuccessful candidate for attorney-general in the election of 1875, to prevent the governor from issuing a certificate of election to his opponent, Charles J. M. Gwinn. Governor Groome's position was one of extreme delicacy; here was a political enemy calling upon him to sit in judgment over an election that had been declared in favor of Mr. Gwinn, whom the governor, if he pursued a strictly partisan course, must naturally favor. Throughout this controversy, Mr. Groome showed that same absolute independence of partisan bias which characterized his course generally in administering the affairs of the state. Gwinn was successful in the contest but every opportunity was

given Mr. Wallis to prove his claim. Indeed, Mr. Groome went so far as to choose as his own representative in the case Wallis' attorney, explaining afterwards that he "knew that this selection of counsel would be misunderstood by many and would bring upon me their temporary censure, but I knew, under the peculiar circumstances, that it was eminently the proper one to make, and I made it."

The month following his retirement, Mr. Groome was married, February 29, 1876, to Miss Alice L. Edmondson, of Talbot county. The first years of their married life were passed at the governor's boyhood home in Elkton; later six years were spent in Washington, and upon the close of Mr. Groome's official business in the national capital he purchased a house in Baltimore, where he passed most of his remaining years. The legislature that met in 1878 was called upon to elect a United States senator, and although he had as his opponents such men as ex-Governor Philip Francis Thomas, Montgomery Blair—postmaster-general under Lincoln, and Robert M. McLane, Mr. Groome was chosen for the six years beginning March 4, 1879. The full term that Senator Groome was in congress ran concurrently with the closing two years of Senator Whyte's term and the opening four years of Mr. Gorman's term in the senate, and he did not measure up spectacularly to the activity in the national legislature of either of these Marylanders. He was, however, no pygmy among the congressional giants; he helped to make up the conscience of the senate, he contributed much toward the sound reasoning of the upper house, and he served his state faithfully in the position to which he had been chosen. His record in the senate might have been a somewhat prouder one though it could not have been cleaner, had not ill health at times prevented him taking the part he was well equipped to play.

Senator Groome's term in the senate terminated on March 3, 1885, and on February 17, in the year following, he was appointed by President Cleveland collector of customs at the port of Baltimore. This position—the last public office he held—he filled for the next four years. The remaining years of his life were mostly passed in his Baltimore home, where he died, October 4, 1893. His body was interred in the Presbyterian cemetery at Elkton. No more fitting eulogy could be penned regarding Governor Groome than a certain passage which he himself wrote when making his final address as governor of Maryland to the legislature in January, 1876: "I cannot but recall with pleasure, not unmixed with pride, the fact that all times during my term in office \* \* \* I have freely granted a hearing to every resident of Maryland, however humble, who had a petition to present, a grievance to be redressed or a suggestion in regard to any public matter to make. \* \* \* As to all matters of public interest, I desired the whole people of the state to consider themselves my counselors. If, then, the state has been the loser by the fact that any portion of her citizens did not aid me by their advice in reaching a correct conclusion upon any important matter, the fault was with those citizens, and not with me. But while in season and out of season all who desired it have had free access to me, none has been permitted to obtain a controlling influence. The whole responsibility for the mistakes of my administration, whatever they may be, must rest, therefore, upon me, for all my official acts had the approval of my own judgment."





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1. The first step in the process of the investigation is the identification of the problem. This involves a thorough review of the available information and a clear definition of the issue at hand.

2. Once the problem is identified, the next step is to gather relevant data. This can be done through various methods, including interviews, surveys, and analysis of existing records.

3. After gathering the data, the next step is to analyze it. This involves looking for patterns, trends, and anomalies that may be related to the problem.

4. Once the data has been analyzed, the next step is to develop a hypothesis. This is a tentative explanation for the problem that can be tested through further investigation.

5. The final step in the process is to test the hypothesis. This can be done through a variety of methods, including experiments, simulations, and further data collection.

6. If the hypothesis is supported by the evidence, then the problem has been solved. If not, then the process must be repeated, starting with a new hypothesis.

7. It is important to note that the process of investigation is often iterative. It may take several cycles of gathering data, analyzing it, and testing hypotheses before the problem is finally solved.

8. The process of investigation is a critical part of many fields, including science, engineering, and business. It allows us to understand the world around us and to solve problems that we encounter.

9. In conclusion, the process of investigation is a systematic and logical way of solving problems. It involves identifying the problem, gathering data, analyzing it, developing a hypothesis, and testing it. By following these steps, we can gain a deeper understanding of the world and find solutions to the problems we face.

JOHN LEE CARROLL  
1876-1880

## JOHN LEE CARROLL

Back in the seventies of the nineteenth century, when times were hard and money scarce, business generally became depressed. To be able to eke out a modest living for his family satisfied the average business man, while the big corporations, which were large employers of labor, found it a matter for careful calculation to make good their reduced payrolls. The railroads especially felt the full burden of the commercial sluggishness, and they were forced to take immediate steps looking toward a lessening of operating expense. This end was obtainable by one of two methods: the reduction of the working forces, which meant that a portion of the employees would be deprived of their entire incomes, or a decrease in the scale of wages, by which the working corps could be kept intact. The Baltimore and Ohio Railroad, among others, determined upon the latter course. But when the announcement of this plan was published there resulted some muttering among the workers to be affected, particularly among the firemen and brakemen. This leaven of dissatisfaction spread until it had aroused, even more violently than the men most concerned in the reduction, a host of disinterested laborers, who sympathized with the railroad men chiefly, perhaps, because the general stagnation of business had brought them to the point of ready irritation. A strike was instituted; the strikers were replaced by substitutes; then violence followed and the men who refused to work sought to prevent more willing ones from performing their duties. This initial uprising was mild, but it was sufficient to fire the hearts of

thousands upon thousands of workmen of all grades and of idlers who, as one body, moved to usurp the authority of law in Baltimore and in other parts of Maryland and to inaugurate a season of riot rule.

This crucial moment in the history of Maryland supplies an appropriate background for the study of one of the commonwealth's governors, because the strike afforded him an opportunity for displaying those traits which his otherwise tranquil life had concealed. Inactivity on the part of state officials at this stage was certain to encourage the rioters in their unlawful course; but on the other hand rash activity was equally sure to incite the uprising mobs—which at times numbered as many as 15,000 men and boys—to greater violence. When the Baltimore riot assumed gigantic proportions there entered the arena the chief magistrate of Maryland. He set up his executive office in Baltimore and, entering the very thickest of the fight, he pronounced his courageous and unalterable decree: The law was to be obeyed; if any man had suffered wrong his redress must be through lawful channels, for whoever sought to disobey or disregard the law—whether he had been wronged or not—would find the state powerful and ready to punish him as a public enemy. There was neither class favoritism nor unkindness in his words, but behind the utterance was an irresistible determination and also a hint of that same righteous fearlessness that had prompted Charles Carroll of Carrollton, one hundred years before, to sign the Declaration of Independence—for this chief magistrate of Maryland was a descendant of the illustrious signer: he was Governor Carroll.

John Lee Carroll was born on September 30, 1830, at Homewood, the old Carroll property on Charles Street avenue above Thirty-first street. If noble deeds and virtuous living can put their stamp upon the blood of those

who perform the one and practice the other, then in the veins of the boy there coursed the best colonial blood of Maryland. He was a son of Col. Charles and Mary Digges (Lee) Carroll; the former a grandson of perhaps the most famous public character that Maryland has produced—Charles Carroll, the signer—and the latter a granddaughter of Thomas Sim Lee, who in the early days of Maryland's independence twice served his native state as its chief magistrate. The infant days of John Lee Carroll were passed at Homewood but when he had reached the age of three his father removed to Doughoregan Manor, a much more expansive estate of the Carroll family, situated about six miles from Ellicott City. The boy's elementary studies were pursued under the guidance of private tutors at the manor; but in 1840, when ten years old, he was sent to Mount St. Mary's College, at Emmitsburg, where he remained for two years. He studied for a brief period thereafter at Georgetown College prior to his entrance at St. Mary's College, Baltimore.

During the three years that Mr. Carroll spent in academic studies at St. Mary's he decided to enter the legal profession, and with this end in view he went to Cambridge, Mass., where for two terms he attended the lectures at Harvard Law School. Upon returning to Baltimore he entered the law office of Brown and Brune as a student, and was admitted to the bar upon attaining his majority in 1851. Before beginning his professional career, however, he made a trip to Europe and traveled extensively about the continent. It was in 1854 that he settled down to practice law in his native state, and the following year he was named by the democratic party for the legislature, but was defeated by his know-nothing opponent. About this time Mr. Carroll, while on a visit to New York, met Miss Anita Phelps, daughter of New York's famous merchant, Royal Phelps,

and he was married to her on April 24, 1856. This matrimonial venture of the Marylander threatened to deprive his native state of his citizenship, for, although he continued his law practice in Baltimore until 1858, in that year, upon the solicitation of his father-in-law, he took up his residence in Mrs. Carroll's home city.

Upon removing to New York, Mr. Carroll accepted a position as deputy clerk and United States commissioner in the office of the clerk of the United States district court, his motive being to gain a wide legal acquaintance before setting up his practice in that city. But the declining health of the elder Mr. Carroll and the gathering of war clouds prompted the son to return home in 1861, and thereafter he remained a constant Marylander, although frequently leaving his home for foreign shores. With his return to the manor, the management of the estate fell largely upon his shoulders, and the great plantation, with its 200 slaves, was no light burden in those troubled times. In 1862 the senior Mr. Carroll died, naming John Lee Carroll as his executor. It required the next three years to wind up the affairs of his father. By this settlement Doughoregan became the property of Governor Carroll's brother, Charles, from whom, however, he purchased it in 1867, and thereafter made it his home. The estate is one of the finest in Maryland. The mansion has attached to it a chapel in which the neighbors worship, and here under the altar rests the body of Charles Carroll of Carrollton.

Upon the completion of his labors as his father's executor, Mr. Carroll once more ventured into the field of politics. This was in 1867, when he received the democratic nomination for the state senate, and was elected for a term of four years. At the expiration of his senatorship he appeared for reelection, and was once more successful. During this second term, Mrs. Carroll died, 1873, and the master of

Doughoregan began preparations for going abroad, in order that he might place his children—his family consisted of five sons and four daughters—in French schools. He remained in America, however, to attend the session of the legislature in the opening months of 1874, and was elected president of the senate during this session. After having entered his sons in the Jesuits College and his daughters in the Convent of the Sacred Heart, near Paris, Senator Carroll returned to America in the early part of 1875, and several months after his arrival he became the democratic nominee for governor of Maryland. The campaign was one of the bitterest in the history of the state. Mr. Carroll was opposed by J. Morrison Harris, who in earlier years had been prominent in the know-nothing party, and much was made by the republican spellbinders of Mr. Carroll's devotion to the Roman Catholic Church. The democratic ticket was elected by a majority of about 10,000 out of a total of 157,984 votes; but immediately the defeated candidates made claims of fraud and intimidation on the part of the democrats. Mr. Carroll's election was contested before the legislature, although the contestants were not able to substantiate their claims; and he was inaugurated on January 12, 1876.

The Baltimore and Ohio Railroad strike—already referred to—was the event of greatest moment in the Carroll administration. It was on July 11, 1877, that the company issued its notice of a reduction of 10 per cent in the wages of all men receiving more than \$1 a day. In making the announcement attention was called to the general business depression and the necessity of a more economical management of the company; and the president added: "It is hoped and believed that all persons in the service of the company will appreciate the necessity of and concur cordially in this action." The brakemen and firemen did not, however, "concur cordially."

On the day set for the reduction to go into effect, July 16, there was a concerted refusal on their part to work. The vacancies thus created by the strikers were filled with substitutes, and then the strikers became violent. The strike fever, which was general throughout the Eastern states, was stirred to white heat in Maryland; and on July 20, Governor Carroll concluded to send the Fifth and Sixth Regiments to Cumberland, where the strikers were doing considerable damage to property. But the announcement of this intention created wild excitement in Baltimore. The regiments, due partly to sympathy with the strikers, especially among the members of the Sixth, were slow in reporting at their respective armories. The military call was then rung from the City Hall, but this only increased the general excitement; and for several days thereafter vast mobs of men and boys and women crowded about Camden station determined to oppose the departure of the militia.

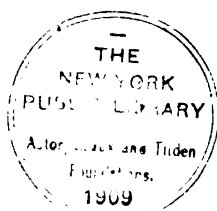
By the time the regiments had been marched to Camden station, on July 20, the city was in such a frenzy that Governor Carroll, who was personally directing affairs, did not dare to send away the soldiery that, to all indications, would be needed for the protection of law-abiding citizens of Baltimore and for policing the city. The mob reached such proportions that the governor made an urgent request of President Hayes for aid from the federal government, and he received assurance that the required troops would be hurried to the city. In the meantime, however, the heroic efforts of Baltimore's police and the hearty support of part of the militia enabled the state executive to suppress the riot spirit before the federal troops arrived. The mob had at most been only temporarily quieted; there were still threats of a fresh outbreak; and yet at this stage of the trouble Governor Carroll revealed somewhat of his courage



and solicitude for the people who had entrusted their lives in his hands, by seeking to divert to Cumberland the aid promised by the Washington government to Baltimore. On Saturday, July 21, Camden station was set on fire and other buildings were given to the flames by the rioters. Troops began to arrive from the various federal forts, despite Governor Carroll's cancellation of his request for such aid, and these established themselves in the city with headquarters at Barnum's Hotel, subject to the orders of the governor. Again on the twenty-second an attack was made on Camden station, but on this occasion the forces under Governor Carroll surrounded the rioters and drove several hundred of them into the building, where they were captured, bound and carted off to jail—and the backbone of the uprising in Baltimore was practically broken. By the next day the riot was dead, although the labor conflict continued for some time thereafter in various parts of the country, notably around Pittsburg.

Early in his administration was held the Centennial Exposition, in Philadelphia, and Governor Carroll, who attended with his staff, was given a notable reception. While in the executive mansion, Governor Carroll made his second matrimonial alliance, his bride being Miss Mary Carter Thompson, daughter of Judge Lucas Thompson, of Staunton, Virginia, to whom he was married in April, 1877. Mrs. Carroll died in 1899. After the close of his administration, Mr Carroll contented himself with supervising his Howard county plantation and with looking after his other business and his social engagements. Although asked on several occasions to become a candidate for public service, he declined to re-enter the political field as an aspirant for office, but he frequently served other candidates upon the stump. In the first Cleveland campaign he was especially active, and spoke for the democratic national ticket

throughout the state. Had Governor Carroll done no more than pilot the state safely through the troubled sea of labor disturbances in 1877, he would still be entitled to a large share of fame. But he accomplished other things of permanent value; he did enough outside of his settlement of the labor riots to cause endless regret that his services for the state should have covered so brief a period. From his entrance into office as a member of the legislature, in 1868, to the close of his administration, in 1880, was just twelve years; while the span of his life has so far stretched over seventy-eight years. The shorter period, marked with its brilliant public service, however, does not overshadow the longer period, with the equally meritorious contribution of John Lee Carroll to the weal of the nation in his rôle of a model, public-spirited citizen.





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**WILLIAM THOMAS HAMILTON**  
**1880-1884**

## WILLIAM THOMAS HAMILTON

Economy, if not actuated by selfishness, is a praiseworthy attribute; when prudence, and not avarice, inspires the economist, he practices an admirable virtue, and one most difficult to cultivate. It matters not whether the field of his activity be in the home or in the outside world, the righteous economist deserves a wreath of roses—or if he pursues his practice in the political world, a halo, for the world politic is not the place best adapted for introducing economic doctrines. With the subject of political administration there is strongly associated in the public mind an idea of necessary extravagance with public funds and a disregard of the return received for salaries paid to public servants, whose employment is looked upon as part of the patronage falling to political workers. For this reason, while the theoretical economist makes an admirable candidate, the practical economist, if given office, is apt to prove disappointing to the “spoils-seekers” of his party. The men, as a rule, who most heartily support a man for an elective office carrying with it some patronage in the form of appointments, look to that candidate, if successful, for favors. Since the days of President Jackson the motto of political parties in the United States has been: “To the victor belong the spoils”—and “spoils” here is synonymous with everything but the elective office itself.

Bearing this in mind, it is not difficult to see that a party man, if elected by his organization to an office rich in patronage, would soon fall into disfavor if he not only refused to regard public offices as “spoils” but immediately upon

entering office sought to reduce the number of public positions to be filled. Herein is found an explanation for Governor Hamilton's falling out with the so-called "leaders" of his party and for the opposition which he encountered in the closing years of his life from party workers who had once labored for his success. Mr. Hamilton was a political economist, or, more properly, he was an economical politician. The ruling passion of his life was to lighten the people's burden of taxation. But light taxation is not to be obtained unless there is economical administration, and economical administration is impossible without honest administrators, while honest administrators cannot win office unless the ballot is maintained undefiled—so his endeavor led him to support a series of reforms all of which were distasteful to a large part of his political bedfellows.

Born at Hagerstown, September 8, 1820, the infancy and early childhood days of William Thomas Hamilton were passed at Boonsboro, the parental homestead. Deprived of his mother at the age of six years, and two years later of his father, Henry Hamilton, he was placed under the guardianship of his three uncles. These relatives—the brothers of his mother, whose maiden name had been Anna Mary M. Hess—were engaged in farming, and also conducted a mill and general merchandise store. The lad, thus intimately associated with business men, early developed those traits which characterized him in after years—self-reliance, an indomitable will, and the spirit of combativeness which readily comes to a boy thrown upon his own resources. The elementary training of the boy was acquired from James Brown, a happy mixture of pedagogue and politician; and from this preceptor the youth doubtless received his taste for politics. He received his college preparatory training at Hagerstown Academy, and studied for four years—1836:1840—at Jefferson College, Cannonsburg, Pa. Upon



his return to Hagerstown, he entered the office of John Thomson Mason as a law student, and in 1843 was admitted to the bar. Although Mr. Hamilton developed into a capable attorney, the legal profession was with him a secondary pursuit, for throughout his career he centered his interest on politics. It was not, however, for selfish motives that Mr. Hamilton slighted other matters for public service; indeed it is doubtful if any man gave less thought to the emoluments that were to be obtained from public office. It was rather an affection for the great body of the common people that prompted him to seek service as their servant, and that ever guided his course while performing the duties of their representative. In the legislative campaign of 1846, Mr. Hamilton was elected a member of the house of delegates upon the democratic ticket, and during the session which followed he was an ardent supporter of Governor Pratt in his fight against a repudiation by Maryland of her debts. Pratt was a whig, and it was perhaps largely due to Hamilton's support of the enemy of his party that he met with defeat when he appeared for reelection in 1847.

The next year (1848) Mr. Hamilton made his appearance in national politics as a presidential elector for Lewis Cass, the opponent of Zachary Taylor; and in 1849 he was the nominee of his party for the house of representatives. The tariff question was at this time agitating the American people and the eyes of the nation were upon Maryland, to which the democratic party looked for the deciding sentiment which should mean democracy's ascendancy or decline. Mr. Hamilton made the slogan of his campaign: "Tariff for revenue only," a doctrine which he must have known would be distasteful to a large portion of the people of whom he asked support; he was, nevertheless, elected and during his first term in congress became a staunch follower of Henry Clay. Congressman Hamilton was reelected in

1851, and toward the close of this second term he announced his intention of retiring from the house. He was, however, prevailed upon again to be a congressional candidate, and had as his opponent the fiery Francis Thomas, who filled many public offices, including that of governor of Maryland. Mr. Thomas, although originally a democrat, ran as an independent candidate, and the contest between him and Mr. Hamilton was a spirited one; the latter, however, gained the victory. This third term in congress witnessed Mr. Hamilton as the champion of President Franklin Pierce.

Congressman Hamilton again asked to be relieved of office in 1855, but once more he was persuaded to enter the campaign because he was regarded as the strongest available democrat to do battle with the know-nothing candidate. But know-nothingism was then all-powerful in Maryland, and Mr. Hamilton was defeated for congress in 1855. With the termination of his third term in the house of representatives he retired from political life and it was some years later—indeed, not until after the adoption of the state constitution of 1867—before he was again prevailed upon to seek public office. He had been married in September 8, 1850, to Miss Clara Jenness, a daughter of Richard Jenness of Portsmouth, N. H. After his marriage the care of a family demanded much of his time and proved an incentive to choose such occupations as would permit him to remain in Hagerstown or at his country home nearby, and, although he was solicited to become a candidate for the governorship in 1861, he refused to allow his friends to present his name to the convention. During these years of retirement Mr. Hamilton devoted his entire time to the law partnership which he had formed with Richard H. Alvey, later judge of the court of appeals.

Mr. Hamilton made his reappearance as a political factor in 1868, when he came out as an aspirant for senatorial

honors. The ballot of the general assembly, taken on January 17, 1868, gave Mr. Hamilton 56 votes; Thomas Swann, 46, and William M. Merrick, 7. Hamilton thus received just enough to be elected, and he served in the United States senate from March 4, 1869, until March 3, 1875. During this period he wrote himself down as a mighty foe of administrative extravagance. When the so-called "salary grab" was attempted none fought it more determinedly than did he. It was in March, 1873, that congress undertook a general increasing of the nation's payroll for the Washington officials. The president's salary was raised from \$25,000 to \$50,000 a year; the pay of members of the bench of the supreme court and cabinet officials was increased \$2000 a year and the salaries of senators and representatives was changed from \$5000 to \$7000. But congress, in its very generous mood, decreed that its own increase should date from 1871, or two years before the increase was actually authorized. Senator Hamilton not only fought the bill, but when it had finally been passed he refused to accept the back salary which it declared him entitled to draw. It was his action and that of a few other equally honest members of congress that cleared the way for that public condemnation which necessitated congress, because of adverse sentiment, to repeal all the provisions of the bill except those concerning the salaries of the president and members of the supreme bench.

Mr. Hamilton also cast his influence for righteous legislation by his hearty and unwavering support of all measures tending to civil service reform. At the termination of his senatorial service, in 1875, Mr. Hamilton appeared as candidate for the gubernatorial nomination. He had some little strength in the convention, but his economical views were not, perhaps, too much relished by the leaders, and John Lee Carroll became the party's nominee. In the

democratic state convention of 1879, Senator Hamilton, however, was unanimously nominated for governor. He was opposed by James A. Gary, who subsequently served as a member of President McKinley's official family. In the election the democratic candidate was chosen by a majority of more than 22,000 votes.

The keynote of the administration of the state executive office for the next four years, from January 14, 1880, to January 9, 1884, was "reform." Throughout his term as governor, Mr. Hamilton was constantly an obstacle in the way of those members of the legislature who pursued corrupt practices or indulged in extravagant legislation. This naturally brought him in conflict with the legislative branch of the government, which was in a measure inclined toward liberal patronage, and also in conflict with state leaders, who were behind that particular portion of the legislature which Governor Hamilton opposed. The addresses of the chief magistrate to the general assembly were frank arraignments of those who sought to spend the commonwealth's money recklessly or dishonestly. He exposed certain methods by which public officers of the state endeavored to create the impression that the treasury was in better condition than was actually the case. The effort to make up the state's deficiency by taking money from the school taxes was held up to condemnation; the creation of certain useless offices carrying large salaries and the maintenance of others equally useless were fearlessly denounced.

It is not difficult to find in all this ground for a growing dissatisfaction with Governor Hamilton on the part of those leaders of his own party who received the brunt of his criticism, and therefore it is not surprising that before his term as state executive should have expired he was in more or less disfavor with those whose reprehensible methods he refused to wink at. It is not really hazardous to write

down the clean administration of Mr. Hamilton as his farewell appearance as a large figure in Maryland politics; nor is it, perhaps, any more hazardous to credit the termination of his activity in state politics to his break with the democratic leaders because of his honest economic policies. Nevertheless, he served to a considerable extent in the presidential election of 1884, which was in the fall following his retirement as governor, and in Washington county he never lost his prestige. He was at the time of his death more dearly loved and more generally looked up to by his neighbors than at any earlier period in his life. When he breathed his last, on October 26, 1888, the town of Hagerstown, and the county of which it is the governmental pivot were both brought under a shadow; the citizens felt that a personal and a public friend had been lost. On the day of the funeral of the Maryland statesman business was suspended while the people of Hagerstown followed the body to Rose Hill Cemetery. To Mr. Hamilton, Hagerstown is largely indebted for its new charter, for its improved streets, electric lights, waterworks and other municipal improvements.

In his native city Mr. Hamilton left many monuments to his ability and public spirit. In his own state he wrote an inspiring record of honest and economical administration of state affairs. But perhaps in the book of the nation he left the most pleasing account of his high ideals as a public official. The man who stood for "administrative economy, low tariff taxes and honest methods in politics," made a unique record on the pages of the history of the United States congress. At no time in his public career did he rise higher than when he refused to obey a law which had been enacted to enable his colleagues to rob the nation and, by that refusal, forced his less righteous fellow-senators to return to the national treasury their ill-gotten booty.

## ROBERT MILLIGAN McLANE

Three general divisions are necessary for a proper classification of Maryland's governors. In the first of these are comprised those chief magistrates whose public services at no time gave their political activities more than a strictly local aspect. The second division takes in such executives as have at some time in their public careers exerted an influence upon national affairs. These men may have served in congress, or they may have exercised their talents for the nation's good in other channels—in the cabinet, on the bench, or in the army or navy. Finally, there is a third class—the men who assumed the dignity of being factors in world politics. Of these there are naturally very few—that occasional public character whose labors bore results in lands outside the United States, who left his stamp upon the history of the entire world—and among the few in this division there is no name more deserving of inclusion than that of Governor McLane.

Robert Milligan McLane was born in Wilmington, Del., on June 23, 1815. His father, Louis McLane, had been frequently and greatly honored by the state of Delaware and the federal government, but in 1837 he withdrew from public affairs and came to Baltimore to assume the presidency of the Baltimore and Ohio Railroad. Through his maternal ancestry, however, the state of Maryland has greater claim to Governor McLane than that acquired by this change of residence, for Mrs. Louis McLane, who before her marriage had been Miss Catherine Mary Milligan, was a resident of Cecil county, Maryland. The initial

ROBERT MILLIGAN McLANE

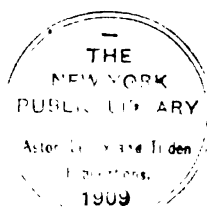
1884-1885

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schooling of young McLane was acquired under the tutorage of John Bullock, a Quaker who conducted an academy in Wilmington. Mr. McLane continued at this institution until 1827, when he entered St. Mary's College, Baltimore. Two years later Mr. McLane, Sr., was appointed United States minister at the Court of St. James, and his son accompanied him abroad, although he separated from his father and went to Paris, where he pursued his studies at the College Bourbon. The McLanes remained in Europe until 1831, when the elder McLane was called back to America to accept the treasury portfolio under President Jackson. At the same time his son was appointed by the president to a cadetship at the United States Military Academy, from which institution he was graduated in 1837.

Upon leaving West Point Mr. McLane was commissioned second lieutenant in the First Artillery, and went to Florida, where he saw service under General Jessup. In the following year he was placed in the army commanded by General Scott, and took part in the Cherokee campaign. In the latter part of the year 1838, however, Mr. McLane was transferred to the newly organized corps of topographical engineers. The secretary of war, in January, 1841, commissioned Lieutenant McLane and a fellow-officer to go to Holland and Italy to examine officially the dykes and drainage, respectively, of these two countries and to make a detailed report on them to the government. During this expedition Mr. McLane entered into a matrimonial alliance. The bride was Miss Georgine Urquhart, daughter of David Urquhart, a merchant of Louisiana, and the marriage was solemnized in Paris on August 2, 1841. This change in the domestic life of the officer unquestionably proved the final incentive to his breaking away from a profession for which his affection had waned somewhat in the years immediately preceding his marriage, Mr. McLane had

during his military service prepared himself for the bar and had been admitted to practice in the District of Columbia early in the forties. After his return to America, he continued with the army for two years, supervising engineering work in the vicinity of New Orleans and elsewhere. In the meantime, however, he was planning to make a change of profession, and in October, 1843, resigned his commission and took up his residence in Baltimore, where he began to practice law.

Mr. McLane did not conceal for long his real motive in taking up law in Maryland. In the year following his resignation from the army, when Henry Clay was opposing Mr. Polk for the presidential chair, he gave liberally of his time and ability to the cause of the democrats, and during the campaign made a strong impression in Maryland through both the manner of delivery and the substance of his political addresses. In the year 1845 he received the democratic nomination as one of Baltimore's representatives in the house of delegates, and was elected. When the legislature convened he became a champion of Governor Pratt in his honest financial plan for Maryland's debts. He was also hearty in his advocacy of constitutional reform—a matter in which Baltimore especially was interested—and upon his legislative record generally he succeeded in obtaining, a year later, the democratic nomination for congress.

Thus in the very morning of his political career Mr. McLane cast off the lines of strictly local affairs and stood ready to take up his position among the legislators of the nation. In the ensuing campaign he came out boldly in support of the administration regarding Texas and Mexico, and was elected over the whig candidate. Upon his entrance into the house of representatives he continued his championship of President Polk's course in connection with the republic to the south of the United States. Mr. McLane was

reelected to congress in 1849. In 1851 he was engaged as counsel for a large mining concern which was experiencing some difficulty over its property in California, and his professional duties necessitated a trip to the Pacific Coast. The business was less easily settled than had at first been anticipated, and it was not until 1852 that the lawyer was able to return to the East. Nevertheless, he appeared as elector for Franklin Pierce in the presidential campaign of 1852 and upon the induction of the latter into the presidential office the Marylander began his career as a diplomat.

China was weighed down with religious revolution, and the relations between the empire of the East and the more advanced western nations was thrown into something like chaos. As things went from bad to worse, England, France and America became greatly alarmed over the situation. President Pierce appointed Mr. McLane commissioner to China, with power of minister plenipotentiary, and accredited him at the same time to Japan, Siam, Korea and Cochin China. He gave him as an escort a rather formidable collection of boats, and told him to go and settle the trouble with the Chinese. He was called upon to perform the difficult feat of remaining on friendly terms with the imperial government and at the same time treating officially with the revolutionists, who were the enemies of the imperial administration; and he accomplished this feat with much credit. As soon as Mr. McLane had become convinced that his presence in the East was no longer required, he requested his government to recall him, and was relieved in the summer of 1855.

Mr. McLane returned to America in time to take part in the preliminaries of the presidential campaign of 1856. He was active in organizing the convention which placed James Buchanan in nomination, and he rendered much service to the national democratic ticket. For the next

few years legal engagements kept him from public service, but he was called upon by President Buchanan in 1859 to perform another delicate diplomatic mission for the government. In June, 1858, friendly relations between the United States and Mexico were rudely terminated, and Envoy Forsyth was instructed by the state department to demand his passport of the Mexican government. The nations nursed a feeling of bitter hostility from that time until early in 1859, when Mr. McLane was sent as envoy extraordinary and minister plenipotentiary to Mexico, to seek to protect the property of American citizens and consummate some deal whereby order might be brought out of the disturbed and anarchical state of affairs in the republic. He was honored with the rather unusual "discretionary authority to recognize the government of President Juarez, if, on his arrival in Mexico, he should find it entitled to such recognition, according to the established practice of the United States." And he did recognize the government, on April 7, 1859, and thereby threw not a little moral support to the administration of Juarez, which shortly thereafter became more firmly established.

Mr. McLane dealt with the Mexican government more than a year, and succeeded in gaining desirable concessions for the people of the United States. A treaty which was drawn and signed by him in behalf of the United States, met with the hearty approval of the government at Washington. Before its final ratification, however, there had come about the change in the administration from Buchanan to Lincoln. Anticipating the approach of a serious rupture between north and south, and realizing the uselessness of further endeavor in Mexico at that time, Mr. McLane requested the government to relieve him of the Mexican post, and he returned to Baltimore in December, 1860.

Upon his arrival in Maryland, Mr. McLane immediately

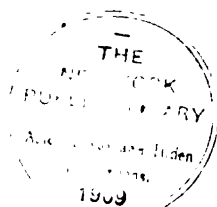
assumed his part in the agitation that was then distressing the nation. He was unreservedly opposed to the coercion of a state, but he was by no means a believer in the right of secession, and throughout the troubled days of 1861-65 he labored for an adjustment of the differences between the north and south. Before the iron grip of the military had been finally fastened upon Maryland the legislature appointed a commission to go to Washington and protest against the unconstitutional proceedings of the federal troops in the Old Line state. Mr. McLane was named as a member of this body, which by its report was largely influential in preventing any legislative move at that time toward secession. During the years of the conflict Mr. McLane was considerably occupied by his legal duties. He entered the service of the Western Pacific Railroad Company in 1863, and this post necessitated his traveling frequently between New York, the Pacific, and Paris. After the war he continued to devote his time almost exclusively to his legal practice, and it was not until 1876 that he once more assumed the position of prominence which he had held in national affairs up to the outbreak of hostilities. In 1876 he appeared in the democratic convention which nominated Samuel J. Tilden. The next year he received the democratic nomination for the state senate and was elected. In 1878 he was named for congress and was chosen again to the lower branch of the national legislature. He came before the people for reelection in 1880 and was chosen for a second term, thus giving him for a second time two full terms in congress.

There were exciting days in congress when Mr. McLane represented his state for a second time, and in the midst of the excitement was generally found the Marylander, who had no superior as a ready debater or a fearless champion. The cause he represented was that of a minority which was

capable during much of the time of doing little more than holding the republicans in check. Corruption in public office was widespread, graft was the order of things then; but through it all Congressman McLane stood up for clean politics and efficient administration of public affairs. His service in congress extended from 1879 to 1883.

In 1883 Mr. McLane was nominated by the democrats for governor and was elected in the fall. He was inaugurated governor on January 8, 1884, but within a little more than a year—which had not been eventful in Maryland affairs—he was offered the post of minister to France by President Cleveland, and surrendered the executive mansion that he might accept the foreign mission. On March 27, 1885, Governor McLane resigned the gubernatorial chair to State Senator Henry Lloyd—who, as president of the senate, was entitled to become acting governor—and went abroad. He served as minister to France throughout President Cleveland's administration. After his successor had been named he continued to reside in the French capital, which he chose as his residence for the remaining years of his life. He died in Paris on April 16, 1898, but his remains were brought to America, and interred in the family burial lot at Greenmount Cemetery, Baltimore.







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**HENRY LLOYD**

**1885-1888**

## HENRY LLOYD

When Governor Whyte was elected United States senator in 1874, he immediately tendered the general assembly, then in session, his resignation as chief magistrate of Maryland in order that that body might at once provide a successor, and Mr. Groome was elected governor for the unexpired term. When Governor McLane, however, determined in 1885 to relinquish his office to accept the post of United States minister to France, conditions were not favorable for so prompt a filling of the vacancy in the executive mansion. At the time of Mr. McLane's appointment as minister to France the legislature was not in session, nor was it scheduled to meet for nearly a year. As a consequence there began with the retirement of Governor McLane practically an unfilled vacancy in the executive mansion, for the temporary successor provided by the constitution was merely acting-governor. Thus, for instance, in early state days the president of the governor's council became acting-executive in event of the disability or disqualification of his chief, serving until another governor was duly elected. When George Plater died in 1792, James Brice became acting-governor, and again when Robert Wright resigned in 1809, James Butcher was made acting-governor; yet neither is entitled to inclusion among the governors of Maryland. When Governor McLane retired as chief magistrate of Maryland, the duties of his office fell upon the shoulders of the president of the state senate, Henry Lloyd, who became acting-governor. Between the status of Mr. Lloyd, however, and that of Mr. Brice and Mr.

Butcher there was this difference: the earlier constitution directed the acting-governor immediately to issue a call for the legislature to meet in extra session and elect a new governor, while the later constitutional provision entitled the acting-governor to serve as such until the legislature, if not in session, should regularly assemble for its next session.

With the retirement, therefore, of Governor McLane in 1885 Mr. Lloyd became acting-executive and thus entered the class to which belong Brice and Butcher in Maryland history; but when the legislature met early in 1886 it added its confirmation to a selection which had been in a measure the result of chance and elected Mr. Lloyd governor for the remaining portion of Mr. McLane's unexpired term, which was to extend to January 11, 1888. It would be difficult to find two men more unlike than Mr. McLane and his successor. The former—the native son of another state—seemed ever on the alert for some public service which should carry him into foreign fields, while Governor Lloyd is the typical Eastern Shoreman, believing that the strip of land stretching between the Atlantic and the Chesapeake is the only bit of country which the destructive floods of Noah's days never reached; that he inhabits the exclusive remnant of Eden undefiled. Again, Mr. McLane was a born combatant and the scent of battle was as a sweet fragrance in his nostrils, while his successor is a peace-loving man, who bears rather the olive branch than the ultimatum and who apparently rejoices most in triumphs won far from the scene of conflict.

Henry Lloyd was born at Hambrooke, near Cambridge, on February 21, 1852. His father, Daniel Lloyd, was a son of the second Governor Edward Lloyd and a native of Talbot, but removed to Dorchester county. On his paternal side Henry Lloyd is descended from the Edward

Lloyd who settled in Maryland in 1649, and from whom sprang two namesakes who served as chief magistrates of Maryland—one in 1709 and the other in 1809. On his maternal side, too, Mr. Lloyd inherited the blood of a Maryland governor, his mother, Mrs. Kitty Henry Lloyd, having been a granddaughter of Governor John Henry. Mr. Henry Lloyd acquired at the schools of Cambridge his elementary training, and later entered the Cambridge Academy, from which he was graduated at the age of nineteen. He then took up the profession of pedagogue and joined the faculty of his *alma mater*—a connection which remained intact for some years after he had entered upon the practice of law. Under the guidance of his uncle, Congressman Daniel M. Henry, and that of Judge Charles F. Goldsborough, another relative, Mr. Lloyd upon the close of his student days took up the study of law and was admitted to the bar in April, 1873, although the volume of his legal business did not necessitate an immediate relinquishment of his post as instructor in the academy.

Several years after his admission to the bar, Mr. Lloyd began his career as an officeholder; this was in 1875 when he was appointed auditor of the court. Although this initial public post was not one of large importance, it is of interest because it indicates Mr. Lloyd's leaning toward the judiciary rather than the legislative office. It was not until 1881, or eight years after he had been authorized to practice law, that the future governor appeared as a candidate for elective office. He aspired, however, at this time to an office of some importance, asking his fellow-countians to send him to the state senate. Mr. Lloyd, nevertheless, had not aspired too high, for he was elected a member of the upper branch of the state legislature for the sessions of 1882 and 1884. During the earlier session, although a novice at law-making, he created a good impression by his



discretion and executive ability, and when the legislature met early in 1884 his name was mentioned for the presidency of the state senate. Another candidate for the same position was Mr. Edwin Warfield, of Howard county, who shared with Mr. Lloyd the distinction of being one of the two strongest aspirants for the chair. It is related that these two candidates met and Mr. Lloyd requested his rival from Howard county to defer for a session his ambition, reasoning that Mr. Warfield had just been elected for another full term, while he, Mr. Lloyd, was in the closing year of his term and not too sanguine of being returned. At all events, Mr. Warfield withdrew and Mr. Lloyd was chosen executive of the senate, and by virtue of his office he became shortly thereafter, upon the resignation of Governor McLane, acting governor, only to be elected governor at the next subsequent meeting of the legislature.

Mr. Lloyd became acting-governor on March 27, 1885, and he continued as such for nearly a year. When the legislature met in January, 1886, he sent to it the customary message from the executive mansion, and in this he set forth the change that had taken place in the state administration; he pointed out to the general assembly its need of electing a successor to Governor McLane; and he also dwelt—though apparently rather because the governor's message was expected to do so than from any wish to appear desirous of influencing legislation—upon certain matters of public concern which he thought required attention. There is at least one point in this message deserving of more than passing notice. The acting governor gave his unreserved endorsement to a desired constitutional reform that had been advocated for many years before, namely; that the governor of Maryland should be accorded the power to veto a single item upon any general appropriation bill. The practice among highwaymen-legislators of tacking a

dishonest appropriation to some general bill, thus making it a part of a measure that was favored by honest statesmen and leaving them no choice between passing the dishonest appropriation or destroying the good measure, met with no favor at his hand.

As soon as the legislature of 1886 had been organized, a vote was taken for a successor to Governor McLane. But two candidates were named, Mr. Robert B. Dixon, of Talbot county, and Mr. Lloyd. Of the 114 ballots cast the latter received 100 and, having been declared elected governor of Maryland, he was formally inaugurated the following day, January 21, 1886. The next two years, or until Governor Lloyd was succeeded by Mr. Jackson on January 11, 1888, were not momentous ones in the history of Maryland; that is, there was a general run of prosperity; the wheels of the government moved smoothly; and the state, except in one or two isolated cases, was spared from those agitations which are apt to occur when business is depressed or the people become discontented under some unjust or burdensome tax. When Governor Lloyd was about to retire from office he very modestly declared: "While I cannot take any special credit to myself for these happy results, it is, nevertheless, gratifying to know that these circumstances exist when I surrender the trust confided to me." There is no reason for supposing that Governor Lloyd regretted the absence of momentous events which meant that in most respects his administration should assume an aspect of the commonplace in history, for, as has already been inferred, peace is preferable to the Dorchester countian to war with its more sensational glories. But at the same time his judicious course in subsequent years while on the bench leave no room for doubting how Mr. Lloyd would have measured as governor in an emergency calling for courage and energy.

Upon the termination of his term as governor, Mr. Lloyd resumed his legal practice in his native town of Cambridge. But in 1892 he was afforded an opportunity of entering public service again, without, however, being required to forsake the legal atmosphere that appealed to him more strongly than service in the legislative or the administrative departments. In that year his uncle and former preceptor, Judge Charles F. Goldsborough, died and Mr. Lloyd was appointed by Governor Brown to fill temporarily the vacancy caused by his death, until the people of the district should elect another judge at a regular election. In the following fall, Judge Lloyd was named for a full term of fifteen years upon the bench of the first judicial circuit and was elected. His course during the many years of his career as a judge has been wise and impartial, and his decisions have been uniformly well rendered both as concerns equity and law. He has done his full share, also, in raising to its present high standard the judiciary of the state. Mr. Lloyd's services on the bench were brought to a close in 1908, when, through the workings of a newly passed retiring bill, he was relieved from active service.

With the beginning of his career as a member of the bar, Governor Lloyd entered upon his service in connection with the Masonic order. He was initiated into the fraternal organization in 1873, and has ever since been prominent in its affairs, having served in 1885 and again in 1886 as senior grand warden of the lodge. During the first year of his governorship, or on October 18, 1886, Mr. Lloyd was married to Miss Mary Elizabeth Stapleforte, daughter of William T. and Virginia A. Stapleforte, of Dorchester county. Since his appointment to the bench, Judge Lloyd's activity has, of course, been confined largely to the Eastern Shore. In his home county, and especially in Cambridge, he has taken a leading part in strictly local affairs,

having been president of the Dorchester National Bank since it was organized in 1889. He has also taken a deep interest in the affairs of Christ Protestant Episcopal Church, at Cambridge. This concern of Judge Lloyd in the local affairs of the Eastern Shore is responsible to a considerable degree for the fact that he has failed in later years to assume the position in state affairs which might be regarded as his by right of the earlier promises his public labors gave. For this reason the histories of Maryland yet to be written may slight him, since, in truth, his legislative service and his short administration were not noteworthy as regards the spectacular. The native-born historian of the Eastern Shore, however, will always write Governor Lloyd down as a worthy offspring of those early pioneers of the state who founded one of the most distinguished colonial families of Maryland; and of that family of Lloyds which has often written its name upon the pages of Maryland's history Judge Lloyd is a distinguished member.

## ELIHU EMORY JACKSON

Shortly after the close of the Civil War, the democratic party of Maryland was returned to power by the same movement practically which resulted in the constitution of 1867. The party's formidable strength from then on seemed to stamp out even as a remote possibility the hope of the republicans winning back the state machinery. This prompted the democratic leaders now and then to indulge in plays that were more profitable than virtuous, and so in due course the party fell into ill-favor, not only with its political opponents, but with the more righteous members of its own belief. Both the party leaders of the better sort and the party press became active toward the approach of the state convention of 1887 in a campaign to free the controlling organization in Maryland from the features which had not unjustly called forth condemnation. And in the convention of that year there is seen the beginning of an era when the individual candidate, if he carried with him enough popular favor, could demand from the organization a certain amount of recognition. Although in the early part of the convention which was to name the state ticket, each section presented its particular candidate, the convention ended with all party members in perfect harmony, and the people of Maryland were permitted to view a political meeting in which neither scheming nor trickery was the order of the day, but a sane consideration of the good of the party. The gubernatorial candidate chosen was one whose primary claim to the confidence of the people was his commercial success and his business reputation.

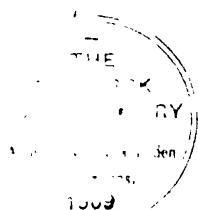
**ELIHU EMORY JACKSON**  
**1888-1892**

THURMONT IN 1802



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When Mr. Jackson was named for governor the greatest appeal that could be made in his behalf was his business ability. When he was elected to the office of state executive it is probable that his business ability was still accepted by the voters as his chief recommendation. And in reviewing the administration of the Eastern Shoreman—indeed, in a review of his entire life—the one dominant note must be “business.”

Elihu Emory Jackson was born near Salisbury on November 3, 1837. His father, Hugh Jackson, was a hard-working man, but his home was not, perhaps, as humble as some stump speakers of the later eighties painted it. Elihu Emory Jackson, who was the eldest of seven children, received as good an education as the country school of his neighborhood afforded. For some time after closing his school career, he aided his father in the management and cultivation of the farm, but there was ever present with him the desire to cut free from the home ties—not because of their restraint, but because they meant limitation of commercial possibilities—and to make a shift in the great big world for himself. During the period of preparation he hoarded up as much money as he could earn, and finally, with sufficient capital to warrant a venture on his own account, he left for Delmar where he engaged in business. This was in 1859, shortly after Mr. Jackson had attained his majority, and he chose the town of Delmar as the scene of his venture because it was then the terminus of the Delaware railroad. For four years he continued at Delmar building up for himself a reputation, increasing his capital and adding rapidly to his business experience. In 1863, after the railroad had been extended to Salisbury, he moved his business there. He opened a general merchandise and dry goods establishment, and also handled both lumber and grain. His father and his eldest brother were admitted into

the partnership with him at the time of his removal to Salisbury, and as his other brothers reached manhood they also were taken into the business, which was conducted under the firm name of E. E. Jackson & Co. A history of this firm is the story of Governor Jackson's advance from the position of a very modest merchant to that of one of the largest lumber dealers in the country.

The officeholding period of Mr. Jackson's career covered a comparatively small part of his whole life, although immediately upon becoming a voter he manifested much interest in political affairs. His excursion into the doubtful field of candidacy for office, however, was to all appearances but a brief interruption to a life which had been devoted primarily to great lumber interests; while his concern in state political affairs found a close second to his interest in the municipal affairs of his home town, Salisbury. It was in 1882, when Mr. Jackson was a man of forty-five, that he first received at the hands of the people among whom he had so long been prominent in the world of business the nomination for an elective office. In that year he was elected to the house of delegates; and two years later, at the next legislative election, he was returned to the legislature, though this time he was sent to the upper branch of the general assembly. At the close of the session of 1886, when Edwin Warfield resigned as president of the senate in order to accept the post of surveyor of the port of Baltimore, Mr. Jackson was elected his successor.

The rise of Mr. Jackson as a political factor from the time of his first election to the legislature, in 1882, to the time set for the state convention of 1887 was remarkable. From a great and influential business man who manifested some interest in political affairs he grew to be the strongest candidate whom the Eastern Shoremen could offer the convention as their choice for the gubernatorial nomination.

The delegates from Western Maryland were in favor of Mr. L. Victor Baughman, while the section in between—which comprised Baltimore city and the surrounding counties—was for Mayor Hodges of Baltimore, who was, however, a bone of contention in a measure even among the people of his own section. For some time a deadlock seemed threatened, but on the sixth ballot the Baltimore county delegation threw its support to Mr. Jackson, and its lead was promptly followed by all the Hodges' supporters, giving Mr. Jackson the nomination before the spectators could fully realize the drift in his direction. Harmony was the cry of the leaders among the delegates, and General Baughman himself moved to make Mr. Jackson's choice unanimous. At the election, on November 8, 1887, Elihu E. Jackson defeated Walter B. Brooks, the republican candidate for governor.

Governor Jackson, during the four years that he directed state affairs, made a good record for efficient and business-like administration. First of all, there was his constant solicitude for the rights of the people in their dealings through the state government with corporations. With remarkable business foresight, he directed the attention of the legislature to the need of prohibiting any railroad company from consolidating with another railway company, and also of forbidding the assignment of a railroad's charter to another company without specified permission in each instance from the legislature. In other words, he sought in that day to put up a barrier which should prevent widespread consolidation of railroad interests, because of the twofold danger of them becoming too formidable factors in state affairs and of stifling competition. Governor Jackson endeavored to have the railroad companies and other large corporations bear a more equitable share of the burden of taxes, and he favored taxing foreign corporations doing business in the

state in proportion to the amount of business they transacted in the commonwealth. Side by side with this constant endeavor to have the big corporations do their share in supporting the state government was an unceasing campaign for decreasing the taxes of the common citizen.

Mr. Jackson made no secret of his wish to be sent to the United States senate, and during his administration he labored industriously to make possible a realization of this ambition. He first appeared as a formidable candidate in 1890, but in the heat of the contest disclosures were made concerning the defalcations of State Treasurer Stevenson Archer; and this unfortunate affair, for which Governor Jackson was in no wise to blame, put an end for a time to his candidacy. Two years later he again appeared as an aspirant for senatorial honors, but Senator Gorman and the democratic leader of Baltimore worked against him and he was defeated.

After the close of his administration, Governor Jackson resumed the position in the business world from which public office had called him, and thereafter he gave chief thought to his commercial affairs. His enormous lumber interests and his connection with the Salisbury National Bank and the Sussex National Bank—the latter at Seaford, Delaware—took much of his time. He bore an active part in the state campaign of 1895, when many of the old democratic leaders met with defeat. At that time he was a candidate for the state senate and was one of the few successful democrats. At the session of 1896 Mr. Jackson served as chairman of the finance committee, accomplishing several meritorious reforms; and in the session of 1898 he was also a useful member. His democratic friends sought to have him become a congressional candidate in 1900 against his brother, William H. Jackson, who had gone over to the republican party when the demo-

crats first advocated "free silver;" but Governor Jackson could not be persuaded to enter the contest. In 1902 and in 1904 he was again spoken of for congress; and in the latter year the convention even went so far as to nominate him without his consent, but he declined the honor. Finally in 1907, Mr. Jackson played an important part in the convention which named Austin L. Crothers for governor, and he was largely responsible for the movement which gave the deciding votes to Mr. Crothers instead of to Henry Williams.

In the days when Governor Jackson was fighting hardest for success in the business world he put into practice the theory that two heads are better than one, and married. Mrs. Jackson, who was Miss Nannie Rider, daughter of Dr. William H. Rider, of Salisbury, was the close companion of the governor in all his affairs from the time of their marriage, in 1869. They made their home in the beautiful mansion which Mr. Jackson erected in Salisbury in 1885, and their greatest interests were centered in the Eastern Shore town. When Salisbury was visited by a disastrous fire in 1885, Governor Jackson contributed generously of his means to the rebuilding of the place. He was, of course, a mighty force in the commercial affairs of his home town, where his own business constituted so large a source of activity. He was also active in the church and social circles of the county seat of Wicomico. He died in Baltimore, on December 27, 1907.

## FRANK BROWN

There is a wide range in the motive that inspires different political leaders and aspirants. Upon the point of ethics, for instance, there are politicians working side by side—working under the same standard and apparently for the same object—whose characters are antithetical. Thus, in the matter of morals, there stands in the center the man who makes of politics a business, whether for monetary or social advantage; and the pendulum in its full swing reaches on its one extreme the citizen who sees in politics a form of religion; and on the other the schemist who makes of it a species of crime. The business politician is not necessarily wicked—indeed, it were unwarranted to assert that he is to any great extent wicked—just as the religiously righteous politician is not always a capable or a profitable public servant; the criminal politician is, of course, a criminal. But to classify under these three heads the many officials who have held important positions under Maryland's state government would be a task impossible of accomplishment, for the true motive of many a politician is hidden from view. There are, however, numerous cases in which this condition of concealment does not exist. For example: no one would believe that Governor Brown is in politics as a means of worship, and he himself would undoubtedly be the first to protest, were he written down as a man who made of politics a religion. A man of large business acumen, his political ventures have been conducted upon the same business principle as a dozen or more other large undertakings of his in a strictly commercial field.

FRANK BROWN  
1892-1896







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And, rejecting the fallacy that an office-seeker should necessarily be inspired only with patriotism, there will be found in his political career not a little to admire, whether it be in his business methods of making himself governor, or of carrying to a successful close the campaigns of other candidates.

Frank Brown was born August 8, 1846, at Brown's Inheritance, an estate in Carroll county that had been the homestead of several of his ancestors. His father, Stephen T. Cockey Brown, was a grandson of Abel Brown, who emigrated from Dumfries, Scotland, to Maryland in the early half of the eighteenth century. His mother had been, before her marriage, Miss Susan A. Bennett, daughter of a Carroll county farmer. The elder Mr. Brown intended that his son should be an agriculturist. Although the lad was given a thorough schooling, being entered at various educational institutions in Carroll, Howard and Baltimore counties, his father stressed that portion of his education which had to do with the management of a farm. But, while farming as a hobby has always interested Mr. Frank Brown, as an occupation it did not present fascination enough to withhold from him the temptation to seek a field of activity in less isolated territory, and early in his youth he came to Baltimore and entered the employ of R. Sinclair and Company, dealers in agricultural implements. Subsequently he made his appearance in a semi-political position when, in 1870, he was appointed to a clerkship in one of the state tobacco warehouses. Here the Carroll countian continued for the next six years, serving under the administrations of Governors Bowie, Whyte, and Groome. During this period he was ever busy in building up for himself the foundation of a political career; and by 1875 he had grown sufficiently in public esteem to be the successful candidate in his county for membership in the house of delegates.

In this instance—which is of interest because it marks the initiation of the future governor into elective office—there is shown Mr. Brown's method of laying plans well in advance of a contest for a public position. Mr. Brown was a member of the session of 1876 as well as that of 1878, having been reelected in 1877. His political career was then given a pause by the death of both his father and his uncle, a dual loss which placed upon his shoulders the responsibility of managing a considerable estate. Although these new cares kept Mr. Brown out of the legislative race in 1879, just one year later, in 1880, he made his initial appearance as a big public-spirited character. It was in this year that he accepted the presidency of the Maryland State Agricultural and Mechanical Society, and it was not long before he gave evidence of remarkable ability as an organizer and executive. He put new spirit into the state fairs held under the society's auspices, and few public movements were started thereafter which did not enlist his hearty support. With his freedom from legislative duties, Mr. Brown also became a more prominent figure in the political affairs of the state at large, being particularly active in the presidential campaign of 1884, when Mr. Grover Cleveland was elected. In the campaign of 1885, Mr. Brown was treasurer of the democratic state central committee. Early in the Cleveland administration circumstances arose which led to a vacancy in the postmastership at Baltimore. Mr. Parker Veazey, the then incumbent, offered his resignation and the president at the same time that he sent this to congress presented the name of Mr. Frank Brown as Mr. Veazey's successor. Mr. Brown was confirmed and became postmaster of Baltimore in 1886. His administration of the affairs of this important branch of the federal government continued for almost four years, and was marked by several progressive innovations. Thus, under Postmaster Brown

there were created sub-stations to the post office in Baltimore, the system of postal parcel and newspapers boxes was established, and mail collection by carts was inaugurated.

While serving as postmaster, Mr. Brown appeared as a candidate for the democratic gubernatorial nomination. This was in 1887, when five candidates in all contested for the nomination. Though Mr. Brown controlled but twenty votes in the convention, he was unable to hold even these to the very end, and after Mr. Jackson had been named for governor, Mr. Brown announced that he would be a candidate again four years later. This shows something of Mr. Brown's business method in politics. It was a very natural thing for a candidate who had been unsuccessful to announce that he would make another contest; but in the disappointed Carroll countians' declaration there was much more than a wish to escape gracefully from defeat. For the next four years, in season and out of season, he worked systematically and persistently in the interest of his own candidacy, with the result that by 1891 he had strengthened his position so much, that the leaders opposed to him were unable to withhold the coveted nomination. Mr. Frank Brown was named by the democratic state convention in the summer of 1891, and the republican party placed in nomination, as his opponent, Mr. William J. Vannort, of Chestertown. At the election, held November 3, of that year, the Carroll countian was elected. He succeeded Governor Jackson on January 13, 1892, and continued as governor until January 8, 1896.

Governor Brown's administration was characterized by several spectacular public events, in all of which he assumed a conspicuous part. These incidents, generally, afforded him an opportunity for the display of his business ability and of his power to take the initiative at critical moments.

Especially is this true regarding the Frostburg coal strike of 1894. This labor trouble between the soft coal owners and the miners was but part of a general dissatisfaction among the bituminous coal miners in the eastern states. A strike had been anticipated by the governor, who for some time prior to its materialization had had the disturbed mining section under surveillance. At 11 o'clock on the morning of June 5, he received a telegram that the strike had so far advanced in the Frostburg district that the sheriff was helpless to guard property. The governor's plans had all been so well laid, that by 4 o'clock in the afternoon of the same day he had the Fourth and Fifth regiments ready to send to Frostburg. Special trains were provided and before daylight of the morrow the militia had been transported to the scene of disturbance. Instead of first issuing his proclamation to the strikers to disperse and then waiting to see how far they would obey, Governor Brown had the militia march upon the heels of the agents who were deputized to post copies of his proclamation. When Frostburg awoke on the morning of July 6, it found the town posted with the governor's orders that the strikers refrain from violence; but it also found the streets of the town occupied with soldiers whose mission was to see that the orders were obeyed. Governor Brown then went personally to Frostburg, where he conferred with the strike leaders, with the result that in Maryland there was no violence, no conflict between the strikers and the troops, no destruction of property; all due to the care with which the chief magistrate had perfected his plans for meeting the threats of mob-rule, and to the promptness with which those plans were put into execution.

Another instance of Governor Brown's discretion in dealing with the people at a time of unusual excitement was furnished by the Hill murder case, in which he exercised

executive clemency in commuting the sentence of four youthful negro murderers from capital punishment to life imprisonment. Dr. Hill, of Chestertown, had been murdered by some negroes of a party of eight—men and boys. All eight negroes were arrested, tried, and sentenced to be hung. Governor Brown was later appealed to on behalf of four of the negroes, who not only were very young, but who were shown to have been drawn into the affair by the older men. At the time, however, feeling ran high against the accused men, and the governor had to exercise great secrecy in investigating the case, lest some rumor of his purpose should incite the neighbors of the murdered man to resort to violence. Governor Brown visited the boys in person, he looked fully into the evidence in the case, and then he had a boat go secretly by night to Chestertown to take the four prisoners aboard and bring them to Baltimore; after which he commuted their sentence. For a time the Eastern Shoremen were bitter against the governor for his interference, and threatened to lynch the remaining four negroes; but better judgment prevailed, and the law was permitted to take its course in the matter of hanging the men who had been solely responsible for the crime.

During his governorship Mr. Brown had also to deal with the once-famous but now almost forgotten Coxey's army, which, after its ejection from the national capital, camped for a while on Maryland soil. Backing up the good legal advice of the attorney-general with his own business judgment, he succeeded in trapping the remnant of this army of tramps in such a manner that its members only too gladly accepted his invitation to leave the commonwealth by a special train, and thus the state was freed from an element which was both undesirable and dangerous. Not an unimportant feature of Governor Brown's administration was his "tax convention." The state executive was



not in agreement with certain legislative leaders regarding a proposed assessment bill. Although Governor Brown favored this piece of legislation in parts, he opposed it as a whole, because in its submitted form it threatened the people with double taxation. The bill, nevertheless, was passed by the session of 1892, but did not become a law because the governor withheld his signature from it. It was resurrected in the session of 1894; but met with defeat in the house of delegates. At this time Governor Brown called together the leading public men of the state to attend his somewhat unique nonpartisan "tax" convention, at which the subject of taxation was thoroughly discussed, to the general enlightenment of the public. Mr. Brown was married, 1879, to Mrs. Mary Preston, widow of Horatio Preston, of Boston, and daughter of David Ridgely, of Baltimore. Since the death of Mrs. Brown, which occurred in 1895, the ex-governor has taken little interest in his Carroll county homestead, spending most of his time in Baltimore or abroad.

Shortly after his retirement from the executive mansion, Governor Brown was elected president of the Baltimore Traction Company; and during the two years that he held this position he wrought great improvement in the financial and operating departments of the street railway. He came into prominence in the municipal campaign of 1899, when he selected Mr. Thomas G. Hayes as the most available candidate for mayor in the democratic party, and his management was the greatest contribution to the success of Mr. Hayes' campaign. In the same manner he became the sponsor for Mr. J. Barry Mahool for mayor of Baltimore in 1907, and he managed the campaign which resulted in Mr. Mahool's election. The new city executive appointed Mr. Brown city collector, and by his acceptance of the office he returned, after many years of retirement to public service.





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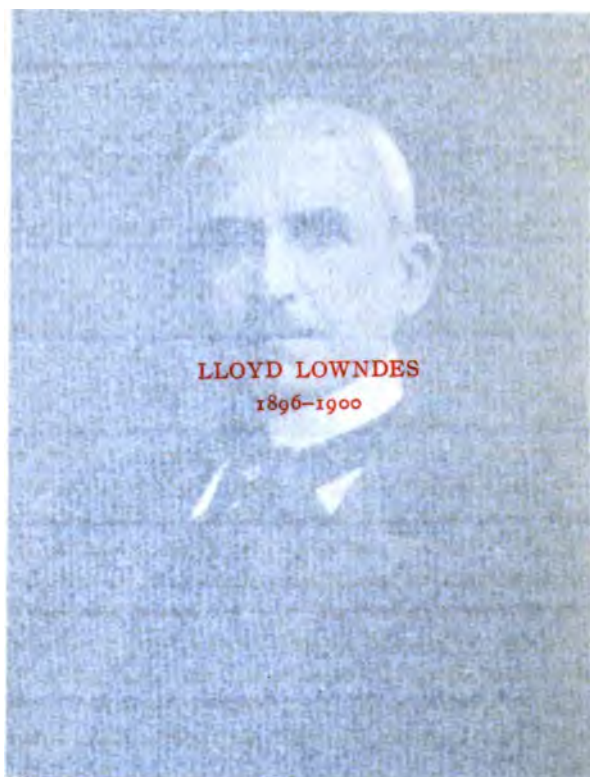
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1950-1951

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## LLOYD LOWNDES

In the closing decade of the nineteenth century the people of Maryland became dissatisfied with the political methods employed in the conduct of state affairs. The impression obtained that the body politic needed an emetic and that the season was ripe for reform or an attempt at an improvement of things political. At this opportune moment the republican party of Maryland, which was in the minority, brought forth as its candidate one of the most representative business men of the state and, with the aid of the dissatisfied democrats of the state, elected him. Governor Lowndes administered the affairs of Maryland for four years, during which time he inaugurated numerous reforms which the better element of both parties had thought necessary and to which he had pledged himself, and his entire course while state executive won commendation from the members of both parties; and yet, at the close of his administration, when he appeared for reelection, he met with defeat. His failure to be continued in office, however, is not surprising in view of the facts that people do not long remember the services of their faithful servants, and that Maryland, except in the campaign when Mr. Lowndes was elected governor, had chosen only democratic state executives for a period of forty years.

Lloyd Lowndes was born in Clarksburg, in what is now West Virginia, on February 21, 1845. His father, Lloyd Lowndes, was descended from Benjamin Tasker, who administered the affairs of Maryland during colonial days, and Edward Lloyd, who was governor of the state in the early

part of the nineteenth century. The mother of Governor Lowndes had been Miss Marie Moore before her marriage. Lloyd Lowndes attended the local academy of Clarksburg until he was sixteen years of age, when he entered Washington College, Washington, Pa., where he remained until 1863. Later he went to Allegheny College, Meadville, Pa., from which he was graduated in 1865. Subsequently he entered the law school of the University of Pennsylvania, and was graduated in law in 1867.

The elder Mr. Lowndes had taken up his residence in Cumberland, Md., where he engaged in business, and as soon as his son had completed his studies he joined his father in the Western Maryland city. He engaged in the practice of law in Cumberland, set about informing himself upon matters of general public interest both at home and abroad, and also entered the matrimonial state. The wife of the governor was Miss Elizabeth Tasker Lowndes, his first cousin. Mr. Lowndes soon after his marriage abandoned law for more congenial fields, and during the greater portion of his business life he was interested in financial and mining enterprises, and in politics.

In the Grant-Greeley campaign of 1872, Mr. Lowndes received the republican nomination for congress. He had as his opponent John Ritchie, who was then representing the Sixth district in the house of representatives, and defeated the congressman. When Mr. Lowndes entered the forty-third congress he had the distinction of being its youngest member, aged twenty-eight. During the session the civil rights bill was brought up for consideration by the republicans, who planned through it to punish further the southern states. The measure was one that every republican was expected to support; but Mr. Lowndes, despite his tender years and the certainty of disaster which was sure to follow the course, courageously opposed

the unjust measure, and he and five other republicans in the house voted with the democrats against it. This single feature of Governor Lowndes' congressional career is sufficient to indicate the kind of man he was in the national legislature. He served during his two-year term on several important committees and accomplished an enormous amount of labor, for he was among the laborers rather than the talkers. But in pursuing the course ordered by his conscience he had signed his own death warrant as a congressman. In 1874 he appeared as a candidate for reelection, but was defeated by William Walsh, democrat. His failure in the election of 1874 put an end, apparently, to Mr. Lowndes' ambition for political honors, and for twenty-two years thereafter he refrained determinedly from seeking office. During this period, however, he was active in the ranks of his party, and exerted an enormous influence upon the plans and battles of the republican party, not only in his own section of Maryland, but throughout the state.

Mr. Lowndes was the owner or part owner of extensive coal lands, and took an active part in the management of the companies operating these lands. In addition to his coal interests, he was more or less intimately connected with the management of several financial institutions. He entered the board of directors of the Second National Bank of Cumberland in early manhood, and at the age of twenty-eight was elected its president. He was also on the executive board of the International Trust Company and a director of the Fidelity and Deposit Company, both of Baltimore. He owned the Cumberland Daily News, and gave to it more or less of his personal attention, and he managed to spare a little time from his active life for supervising the farming of his large Allegany county estate. His wealth afforded Mr. Lowndes the means of engaging largely in charitable work, and in this he had the constant cooperation of Mrs.



Lowndes. He was devoted to his church, Emmanuel Episcopal of Cumberland, and was in his later years the senior warden of its vestry. He was the delegate from his parish to the diocesan conventions for about twenty-five years consecutively.

With all these drains upon his time, however, Mr. Lowndes found ample opportunity for taking an interest in political affairs. He was throughout the period beginning with his retirement from congress and terminating with his nomination for governor of Maryland, a faithful laborer for his party's success and a liberal contributor of financial ammunition to its committees. In 1880 he was a delegate to the national republican convention. He was solicited in 1891 to make the fight for governor of Maryland, but he refused. Four years later, however, at the instance of his more faithful adherents in the republican party and certain friends in the democratic organization, he permitted his name to be used for first place upon the republican state ticket. He had as his opponent John E. Hurst, a prominent merchant of Baltimore and a faithful supporter of the democratic organization. The campaign in the fall of 1895 was marked by a general desertion of the independent democrats to the support of the republican candidate, and Mr. Lowndes was elected governor of Maryland by a majority of more than 18,000.

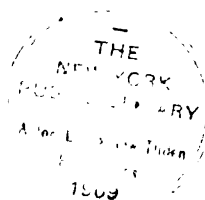
He succeeded Mr. Frank Brown on January 8, 1896, and during the next four years the affairs of the executive office were administered in a manner that at no time justified reproach, but constantly warranted the warmest praise for the first republican elected chief magistrate of Maryland in almost thirty years. At the same time the governor was handicapped somewhat by a legislature which was not as pure in motives or as conscientious in conduct as was the state executive. But, despite contention and friction, Gov-

ernor Lowndes was able to fulfill every promise made by him while campaigning, so far as reform was concerned. Thus the Reform League election law, the general assessment law and the new Baltimore City Charter law were passed during his term in office. He gave proof of his concern in the general welfare of his state by his support of measures which aimed to encourage immigration to the sparsely settled sections of the state. His administration witnessed the Spanish-American War, and he promptly responded to the president's call by sending to the front a part of Maryland's militia.

It is more than probable that Governor Lowndes might have been able to effect his election to the United States senate while governor, had he so willed, and it is certain that he was eager to serve his state in the upper branch of congress. During his administration two senators were chosen, and in both cases they were republican. Governor Lowndes, however much he might have coveted the prize on either occasion, was dissuaded from using his power to bring to him the office. He was willing to forego the attainment of his greatest ambition politically for what he believed at the time was the good of his party and the state generally, regardless of party affiliation.

The republican party, when it met in convention in 1899, again nominated him for first place on the state ticket. This nomination was an unusual compliment in Maryland, where political parties have not been accustomed under the constitution adopted in 1867 to give a governor a renomination. The democratic party named John Walter Smith, of Worcester county, and in the election held on November 7, 1899, the latter was given a majority of 12,123 votes. The defeat of Governor Lowndes was largely due to the fact that the state was normally democratic. Then, too, there was disaffection among the republicans.

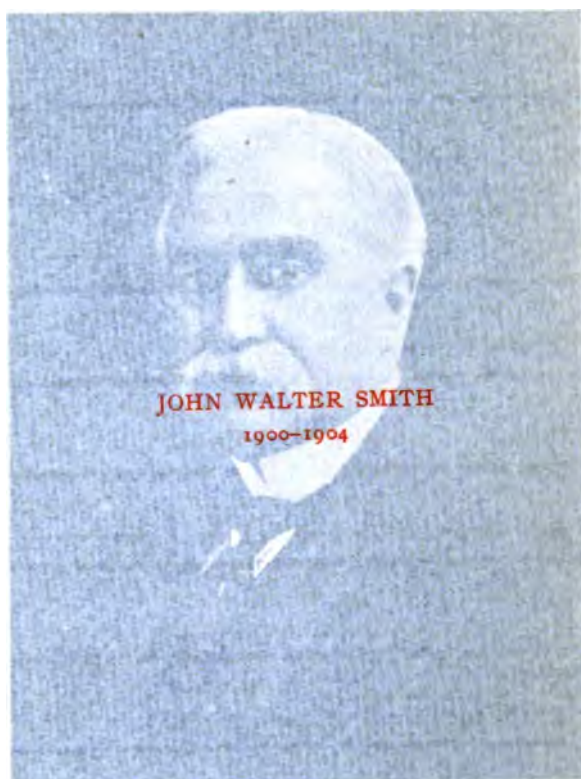
Although after his retirement Mr. Lowndes was forced to make war upon certain factions of his own party, he continued to exert a large influence upon its affairs in the state. He was upon intimate terms with President Roosevelt, a source of much strength to him, and generally was held as the leader of his party in Maryland, though an occasional defeat was administered to him by the McComas element in Maryland republican circles. At the time of his death, however, he was by many odds the biggest figure in his party and was regarded as the logical candidate for governor in the approaching state election. When his future seemed to promise most, Governor Lowndes was suddenly stricken down, and died almost without warning on the morning of January 8, 1905.





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REPORT OF THE  
COMMISSIONER OF THE  
GENERAL LAND OFFICE



## JOHN WALTER SMITH

In the smaller towns and country districts political aspirants are not generally put into public service as young as they are in the more thickly populated centers; the country politician must bide his time, working slowly upward, if he hopes to become the holder of an important elective office. He must, as a rule, be well known among the people he wishes to convert into his constituents; and usually a reputation for success in business will prove his strongest recommendation to the rural voter. Farmers have a strong leaning toward successful business men as candidates for public office; in this respect they show a superiority over the city voter, who can be tempted to give his support to an unsuccessful lawyer in preference to a man who, though he can neither orate nor gesticulate gracefully, has a head full of business sense.

These prevailing conditions of the rural section supply an index to the political rise of Governor Smith. He gave the best energy of his early manhood to the commercial enterprises in which he became interested, although in the meanwhile he devoted a portion of his time to political affairs. While he was attaining prominence as a man of large commercial pursuits, he labored quietly but persistently for the success of the democratic party in the lower Eastern Shore; and gradually not only won for himself a wide circle of acquaintances among the neighboring leaders, but he became favorably known to the rank and file of the voters. In time he acquired a remarkable hold upon political affairs in his own section, where he had made for himself



a big reputation as a successful business man; but he was no longer a stripling when the time arrived to seek political honors, for he had reached the age of forty-four before making his initial appearance as a candidate.

John Walter Smith, the son of John Walter Smith and Charlotte (Whittington) Smith, was born at Snow Hill on February 5, 1845. In the county of which his native town is the governmental seat the ancestors of the governor had been residents for several generations back; and not a few of them had won some little distinction in public life. His grandfather, on the maternal side, William Whittington—a large landowner of Worcester—was chosen one of the early judges in what is now the first judicial district; and his great grandfather, Samuel Handy, was a member of the Association of the Freemen of America. Through the misfortune of being early orphaned, John Walter Smith, the younger, came under the influence of one who played an important part in the public affairs of Maryland. Shortly after the boy's birth his mother died, and when he had reached the age of five he lost his father. He then became the ward of Ephraim K. Wilson, who was twice honored by being elected to the United States senate, and this guardianship had much to do with the early development of Mr. Smith's political ambition.

Mr. Smith attended the primary schools and Union Academy of Snow Hill. His school days, however, were brought to a close in 1863, when at the age of eighteen he began his business career. He was employed as a clerk in the store of George S. Richardson and Brother. He subsequently became a partner of this firm, which is continued today as Smith, Moore and Company. Mr. Smith is a representative business man of the type produced by the smaller towns of Maryland; his commercial interests grew steadily and soon exceeded the narrow confines of his

own native town, but he has ever maintained first affection for the old homeplace, and his business success has also been the business success of Snow Hill as well as of Worcester. He was active in the organization of the First National Bank of Snow Hill in 1887, in which institution he retains a large interest. He is one of the largest landowners of his own county and is prominent in many of the local industries—his business energy having lead him into concerns of greatly varied complexion, such, for instance, as the oyster industry, lumbering, canning, farming, finances and insurance. He is vice-president of the Surry Lumber Company and the Surry, Sussex and Southampton Railroad Company, and he is connected with many other institutions in Snow Hill, Baltimore and other parts of the state.

The early appearance of Mr. Smith in the business life of Snow Hill had also its bearing upon his home life. After he had been admitted as a junior member to the firm of George S. Richardson and Brother, he was married, when twenty-four years of age, to Miss Mary Frances Richardson, a sister of the senior partner of the house. Mr. and Mrs. Smith have always retained their home residence in Snow Hill, although there have been times when Mr. Smith's official duties have necessitated a temporary residence either at Annapolis or Baltimore. The home circle for many years consisted of the parents and two daughters. One of the girls, Miss Charlotte Whittington Smith, died some years ago, while the other daughter, Mrs. Arthur D. Foster, has resided in Baltimore since her marriage. Although with the breaking of the family circle the Smith home may have lost some of its former life, it retains its reputation of being the center for true Eastern Shore hospitality. Even the most violent political enemies of the ex-governor admit that for courteous manners and hospitable instincts the Worcester countian has no superiors, and

nowhere are these characteristics seen to better advantage than when Mr. Smith is the host of his friends in his Snow Hill home.

Although Mr. Smith did not appear as a candidate for office until 1889, when he was a man of forty-four, he had been a considerable factor in Eastern Shore politics a long time before that. It was in 1889 that he determined to enter the campaign to represent Worcester county in the state senate, and not only was he elected state senator in that year, but he was reelected for full four-year terms in 1893 and in 1897. Early in his career as state senator, he experienced the first of two great political disappointments, both resulting from his defeat as a candidate for the United States senate. Ephraim K. Wilson, Mr. Smith's former guardian, had been chosen to the upper branch of congress in 1885 for six years, and in 1891 was reelected for the term to expire in 1897. This second election witnessed Mr. Smith as the especial champion of Senator Wilson, and when the latter died, on February 24, 1891, before having begun his second term, State Senator Smith announced himself as candidate for the seat made vacant by Senator Wilson's death. Mr. Charles H. Gibson, however, was more acceptable to the leaders of the Western Shore, and Mr. Smith had to forego for a time his ambition to serve in the upper branch of congress.

At the session of the legislature in 1894, which marked the beginning of Mr. Smith's second term in the state senate, he was elected president of that body. In the election of 1896, the democratic party had lost the first congressional district, and two years later Mr. Smith was prevailed upon to become a candidate for the lower house of congress in the hope that his large following would make possible a recovery of the lost territory. Although the republicans bitterly contested the election, Mr. Smith was

successful, but before he began his service in congress, he was placed in nomination for governor of Maryland by the democratic state convention that met in the summer of 1899. At the previous gubernatorial election, Maryland had, on account of dissatisfaction with the methods of the democratic leaders, elected a republican chief magistrate for the first time since the Civil War. Governor Lowndes, the republican in question, appeared for reelection in opposition to Mr. Smith in 1899, but was defeated.

The most prominent feature of Governor Smith's administration, extending from January 10, 1900, to January 13, 1904, was his call for an extra session of the legislature in 1901. It must not be supposed that his term in the executive mansion was so void of important events that this incident should be regarded as the only one of great moment; but for his course in convening in extra session the general assembly, Governor Smith was more bitterly attacked and more ardently supported than for any other act of his governorship. Early in Governor Smith's administration reports were sent to the executive mansion that frauds had been perpetrated in the census returns for the decade of 1900, which, if they remained uncorrected, would result in allowing an unjust representation in the house of delegates to the republican counties. The governor, therefore, on February 13, 1901, issued a proclamation, instructing members of the legislature to meet in special session at Annapolis on March 6, 1901, and in explanation of his course he pointed out: (1) That errors in the enumeration by the United States census of the population of the state, if not corrected by an enumeration under state authority, would give to the same section of the state a disproportionate representation in the house of delegates. (2) The urgent need for legislation to reform manifest and great abuses in the state's election law. (3) A demand from the

mayor and city council of Baltimore for additional power in connection with sewerage of the city, and the preservation of its sanitary condition. The legislature met on the day prescribed and continued in session until March 28, 1901. The particular business for which it had been called was discharged: the sewer bill was passed; provision was made for taking a state census, which proved the correctness of Governor Smith's charge that frauds had been perpetrated; a new election law was passed; and the re-warding of Baltimore city was ordered.

During his term as governor, Mr. Smith either took the initiative or else contributed liberally of his energy in many movements for the public good. He was active in starting a public campaign against tuberculosis, urging the legislature in 1902 to create a commission to investigate the disease with a view to preventing its spread, and he has served upon the commission which was created in response to his request. He labored untiringly for the improvement of the county schools, and the marvelous advance made in public education in the rural districts since the creation of a state superintendency of public education is largely due to him. Early in his legislative career he had introduced the free school bill, which he pressed for passage in subsequent sessions until 1896, when the bill became a law; and during his term as governor he secured the revision of the public school law governing the appointment of school commissioners so as to provide for bi-partisan representation in all the counties in order to divorce the school system from political influence.

During the legislative session of 1904, Mr. Smith made his second contest for a seat in the United States senate. After a prolonged fight, which assumed the aspect of an unbreakable deadlock, Mr. Isidor Rayner was eventually elected, and Mr. Smith suffered the second of his great political

defeats. Instead, however, of becoming discouraged, the Worcester countian prepared himself for a fresh effort. Theretofore he had looked to certain political leaders to aid him in realizing his greatest political ambition, and these leaders had deserted him. Now he set about to build up a political following throughout the state in which he need be dependent upon the caprice of no man, but in which he should have the deciding voice. How wisely he organized his forces was shown in the democratic primary election in the fall of 1907, when Mr. Smith was named by an overwhelming majority as the party's nominee for the six-year term in the United States senate beginning on March 4, 1909; and, in accordance with this popular nomination, he was elected senator by the legislature early in the session of 1908. He was elected to the seat which Senator Whyte, had he lived, would have vacated in 1909. Upon the death of Senator Whyte before the completion of his term, Governor Smith was elected by the general assembly, in the spring of 1908, to serve the unexpired portion of Senator Whyte's term, and he immediately qualified and took his seat in the United States senate.

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## EDWIN WARFIELD

Throughout certain classic forms of musical composition there is one dominant strain. This primary idea may at times disappear in a haze of variations; it may be lost in a whirl of melody that drowns the central theme; and yet, throughout the composition, it will appear again and again until it has been impressed indelibly upon the mind of the auditor. In much the same way, in the life of a man of big personality there is usually found one dominant strain. This something need not necessarily protrude above the surface of the general make-up; indeed, it may sometimes seem lost in a whole company of stressed strains; still upon close scrutiny it will be found, in varied form perhaps or modified in volume, but forever dominating. For instance, while there were many admirable traits in the character of Governor Pratt, one stood out in such strong relief that all the others became merely background to it, and that one was his honesty—honesty for state as well as for man, honesty in spirit no less than in word. In like manner the life of Governor Hamilton solved itself into one prevailing theme: administrative economy—a curtailment of the cost of running the government in order that the real burden-bearers of the nation, the small taxpayers, might be freed from oppression. And in approaching the life of Governor Warfield, the student is soon impressed with the theme of personal responsibility. Mr. Warfield's patriotism, his advocacy of clean politics, his support of the merit system, and every other marked feature of his administration as

**EDWIN WARFIELD**  
**1904-1908**

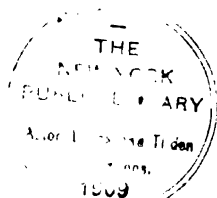
## JOHN MARILLD

The first of these is the fact that the Government has been
 successful in securing the cooperation of the people in the
 various measures which it has adopted. This is a very
 important factor in the success of the Government, and it
 is one which should be carefully studied and imitated by
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governor and of his teachings as a political leader, one and all rest upon this dominant strain.

Edwin Warfield was born at Oakdale, Howard county, on May 7, 1848. The place of his birth proved an important factor in the shaping of his character. For several generations his ancestors had owned and tilled the great expanse of lands upon which his eyes early learned to feast, and it was not long before he came to feel that the old Warfields, though long since dead, still lingered about the place. Of the deeds which these progenitors performed and of the virtues for which they are reputed Mr. Warfield is, indeed, exceedingly proud. But he is not a pensioner on the past; rather he has ever regarded the accomplishments of his forebears as placing an increased responsibility upon him, rather of freeing him entirely from any requirement for individual effort. His father was Albert G. Warfield, of a line of Warfields who for several hundred years had been prominent in the affairs of the Old Line State, winning distinction in time of war and of peace. Mrs. Warfield, the Governor's mother, was a daughter of Col. Gassaway Watkins, who served as a member of the Maryland Line in the Revolutionary War and was president of the Maryland Society of the Cincinnati at the time of his death, 1840.

Mr. Warfield acquired his elementary training at the public schools of Howard county and also at St. Timothy's Hall, Catonsville. With the outbreak of the Civil War, however, and the subsequent emancipation of negro slaves, affairs at Oakdale took on a somewhat different aspect, and he had to close his books that he might bear his share of the farm labor and also contribute to the family income during those months when the fields needed least attention. It was in 1866 that Mr. Warfield, then just eighteen years of age and with no special training as a teacher, determined to look to the profession of pedagogy for a livelihood. He

found, some four or five miles from his own home, a not greatly coveted little country schoolhouse, which happened to be without a teacher, and he set about obtaining an appointment to this charge. He approached the school commissioners and asked to be appointed a probationary teacher. He frankly confessed that he was not then able to pass the required examination but gave his word that if appointed he not only would keep well ahead of his classes, but the following spring would take and pass the teacher's examination. He was appointed, and when the teacher's examination was held in the spring of 1867, Mr. Warfield made good his promise that he would pass it. In consequence he was promoted from a probationary to be a regular teacher, and continued in the work of the county schools for some years thereafter, at the same time reading law. He was later admitted to the bar.

Throughout this time he, like the Warfields who had preceded him, took a large interest in public affairs. He worked in his own immediate neighborhood, talked for and against candidates and issues, and acquired some reputation as a speaker. It was in 1874 that he abandoned the profession of teaching to accept a public office. The office of register of wills in Howard County became vacant through the death of the duly elected register, and Mr. Warfield was named to fill the unexpired term. In the next year he announced that he would be a candidate for a full term of six years and was given a larger majority at the election than any other candidate on the ticket. This post was remunerative as contrasted with the modest salary received as a county school-teacher, and it was also congenial to Mr. Warfield. As the time approached for a new election, however, he announced that he would not ask for another term, and so, in 1881, set the precedent that he has ever since followed—not to ask the people to return him to any

office in which he has just finished serving a full term by election.

While Mr. Warfield declined to make another contest for the registership, he showed no intention of retiring from public life. In fact, he coupled with his declination an announcement that he was perfectly willing to represent Howard county in the upper branch of the general assembly. There was at the time a vacancy in the senate for the unexpired term of Arthur Pue Gorman, who had resigned a state senatorship to accept a seat in the United States senate, and it was the remaining two years of Mr. Gorman's term in the upper branch of the legislature that Mr. Warfield coveted, and that he got in the election of 1881. Two years later he appeared as a candidate for a full term in the state senate and was elected for the four years, from 1883 to 1887. With his appearance as a member of the general assembly in 1881, Mr. Warfield set up a law office in Ellicott City, where he looked after the interests of those who were willing to become his clients. Shortly after he reached out in his endeavor to be an influential citizen by purchasing the Ellicott City Times, which paper he owned and edited from 1882 to 1886. The latter year saw him the originator and one of the organizers of the Patapsco National Bank of Ellicott City, a financial institution with which he maintained official relations until 1890.

Mr. Warfield took an important part in the presidential campaign of 1884, when the success of the democratic ticket carried Mr. Grover Cleveland into the White House, and placed in the hands of the democratic party numerous important and well-paying offices that required the services of competent and honest men. When the time came for appointing a successor to the retiring republican surveyor of the port of Baltimore, the president, naturally feeling kindly toward Mr. Warfield for his contribution to the party's



success, decided to nominate him for the post, although no application had been made for it by Mr. Warfield. He was at this time still serving in the state senate, of which he had been chosen president at the session of 1886. His appointment as surveyor was made on April 5, 1886, and he was apprised of his selection at about the time the general assembly was preparing to adjourn. In order, therefore, to provide for a president of the senate in event of an extra session or of other emergency Mr. Warfield resigned as excutive of the upper branch of the legislature within half an hour of the close of the session. Upon accepting the post of surveyor of the port Mr. Warfield, in deference to the known views of President Cleveland regarding the active participation of his appointees in politics, severed his connection with the democratic state central committee, of which he had been a member since 1878. He qualified as surveyor on May 1, 1886, and continued in office exactly four years, or until May 1, 1890. At about the time of his appointment as surveyor, Mr. Warfield was married to Miss Emma Nicodemus, a daughter of the late J. Courtney Nicodemus of Baltimore. During part of his term as surveyor the couple resided in Baltimore, although their later years have been passed chiefly at Oakdale, the beautiful Warfield homestead in Howard county.

During the years that Mr. Warfield was surveyor the fortunes of war went against his party in national affairs, and when he stepped from office he found, so to speak, that he was out of paying politics. It was then that the idea of organizing the Fidelity and Deposit Company occurred to him, and he founded the Baltimore financial institution at the corner of Charles and Lexington streets, of which he has ever since been president. For the decade from 1889 to 1899 Mr. Warfield abstained almost totally from activity in politics and devoted his energy chiefly

to building up the concern with whose success or failure was to be linked his own fortune. There was a break, however, in his cessation from political activity, in 1896, when he was chosen a delegate-at-large to the democratic national convention which nominated Mr. Bryan.

In the year 1899 Mr. Warfield broke away from his apparent purpose to keep out of politics, and uncovered a secret ambition to be honored with a higher political office than had up to that time been given him. Before consulting either the political leaders of his party or sounding public sentiment to learn what his chances were for being nominated or elected governor, he conferred with the directorate of his company regarding the advisability of announcing himself as a gubernatorial candidate. Winning the favorable indorsement of his directors, he announced, somewhat unconventionally, that he was desirous of being his party's nominee for state executive. Although Mr. Warfield did not get the nomination in 1900, he came out of the contest with something of value. He learned, first of all, that the people generally liked him and had faith in him and that with a longer primary campaign he would have been able to show greater support. He had his determination to be governor reinforced, and he acquired a lot of experience in campaigning. Four years later he again appeared as a candidate for the gubernatorial nomination, and when the state convention was assembled he showed how much sentiment he had built up for himself during the interval, and was nominated by acclamation. The election held on November 3, 1903, resulted in his victory with a plurality of 12,625 over Mr. S. A. Williams, the republican candidate.

The administration of Edwin Warfield began in January 1904, when he succeeded John Walter Smith—his successful rival for the gubernatorial nomination in 1899—and continued until January 8, 1908, when he surrendered the executive

mansion to Austin L. Crothers. This period is marked with events of importance in the history of Maryland. The issue upon which greatest interest centers is that of the campaign for the so-called Poe amendment—a proposal to change the constitution of Maryland so as to disfranchise the less desirable class of negroes. Mr. Warfield had declared in favor of such restriction, but he had from the first been insistent that the amendment to win his support must not be vague, and that the constitution as amended should not be negative in asserting who was not to vote, thus leaving the matter to the caprice of individual election judges. But the legislature was not in entire accord with the governor, and it devised an amendment which was at variance with his views. Mr. Warfield was completely ignored not only in the drafting of the bill, but in the business of submitting it to the people for their vote. He, however, promptly and fearlessly pointed out to the voters its danger points, which would hazard the rights of many white voters if the judges in any particular instance were disposed to prevent them from voting. He opposed the amendment and, more than any other man, defeated it at the polls.

Mr. Warfield's creed of personal responsibility inspired him in this instance to protect the rights of those who had placed him in office, and this same influence is found in his inauguration of the so-called pardon-courts. During his administration, Governor Warfield took occasion to announce that he was the governor of all the people. He declared that although a party had elected him, it did not follow that he was therefore that party's governor, but that he had been chosen to govern the people without regard to party affiliation. Before he became chief magistrate, executive clemency in Maryland was exercised whenever it was favorably importuned and wherever the governor might chance to be when a request for pardon won his approval. But

Mr. Warfield began the practice of hearing petitioners at a regularly appointed time. This court, through the newspapers, was open to the people, and they were given an opportunity to voice sentiments either for or against a requested pardon. None was so mighty that he could enter by a private passage, and none so humble that he would find the doors closed to him.

To Mr. Warfield, too, more than to any other Marylander is due credit for popularizing primary nominations not only for high state officials, but also for United States senator. In the democratic state convention of 1907, Mr. Warfield advocated primary nominations of candidates for the upper branch of congress; and he appeared as a candidate for United States senator, in the fall election of 1907, despite the certainty of defeat under existing conditions, in order that he might give stability to his plan.

At least passing mention must be made of Governor Warfield's patriotism. No recent official of Maryland has done more for the spirit of patriotism within the commonwealth than he. He has never tired of telling of the great things that Marylanders of bygone days have done; he has lost no opportunity to impress upon men, women and children, the priceless heritage which they gain through being natives of the Old Line state. His object has been to create a pride for the record of the past, upon the belief that such pride must necessarily inspire rising generations to write as noble a record in the future. If there is one appropriate epitaph that might be placed as a memorial to Governor Warfield in the old senate chamber at Annapolis, which through his effort was restored to the state in which it was at the time when Washington there resigned his commission as commander-in-chief of the army, it is: "Edwin Warfield—a governor of Maryland, who sowed a patriotism that taught men, by recalling the glory of their ancestors, themselves to become glorious."

## AUSTIN LANE CROTHERS

On the whole Maryland has escaped from such dishonest and extravagant administration of public affairs as too often in American political life characterizes the manner in which governmental officials spend the people's money. There have, to be sure, been periods of legislative and administrative prodigality in the state, but these periods have usually been brief, while the reigns of economical administration have, happily, been more or less extended. Maryland has been fortunate indeed in electing to the governorship on more than one occasion men who were pre-eminently economical as public officials. For instance, such names as Ligon and Hamilton suggest primarily a faithful guardianship of public funds. And the state executive who at present directs the administrative affairs of the commonwealth promises fair to win a place among those public servants whose greatest ambition has been to husband the people's money. Although Mr. Crothers has been in office too short a time to warrant conclusions as to how his entire administration will appear upon the records, he has already made a very decided impression as a man who will render the state a faithful account of his and his subordinates' stewardship of public funds.

Austin Lane Crothers, the son of Alpheus and Margaret Aurelia (Porter) Crothers, was born near Conowingo, Cecil county, on May 17, 1860. His father was a farmer, and the life of the agriculturist is not unknown to the governor, though he was early attracted to a professional career rather than to life on the farm. He studied at the Cecil county

AUSTIN LANE CROTHERS  
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5.  $\frac{1}{2} + \frac{1}{3} = \frac{5}{6}$       6.  $\frac{1}{2} + \frac{1}{4} = \frac{3}{4}$       7.  $\frac{1}{2} + \frac{1}{5} = \frac{7}{10}$       8.  $\frac{1}{2} + \frac{1}{6} = \frac{2}{3}$

1. *Journal of the American Medical Association*, 1997; 277: 1033-1037.

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1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971) using a Shimadzu 1010 spectrophotometer.

1. *Journal of Management Studies*, 1990, 27, 1, 1-14.

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Lichtenthaler and Sponholz (1980). The total chlorophyll content was determined by the method of Arar and Johnson (1977). The carotenoid content was determined by the method of Lichtenthaler and Sponholz (1980). The total carotenoid content was determined by the method of Arar and Johnson (1977). The total carotenoid content was determined by the method of Arar and Johnson (1977).

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971) using a Shimadzu 1010 spectrophotometer. The concentration of chlorophylls was expressed as  $\mu\text{g mL}^{-1}$  of the sample.

...and the fact that the *Journal* is a journal of the American Psychological Association, the largest and most influential of the professional organizations in the field of psychology, is a source of great strength and authority.

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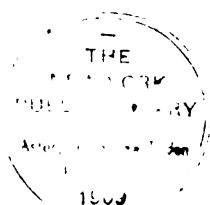
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public school, and later attended West Nottingham Academy; but hand in hand with the development of his mind came a growth of the body such as healthy farm labor best produces. When Mr. Crothers had reached manhood, he was about six feet tall and possessed of a fine physique. At the same time he had given sufficient time to his studies to justify his appointment as a teacher in the public schools of Cecil county.

The promises of a pedagogical career were not strong enough to hold Mr. Crothers, and he turned from teaching to a study of law, and was graduated in 1890 from the law department of the University of Maryland. Upon being admitted to the bar, he began to practice law in Elkton, the county-seat of Cecil. At the same time he took a larger interest in the political affairs of his immediate neighborhood, where he had already won a footing as a political factor in democratic circles. Within a year after graduation, he was nominated and elected state's attorney for Cecil county, and served in that office from 1891 to 1895. In 1897 Mr. Crothers was elected to the state senate to succeed his brother, the late Charles C. Crothers. His appearance as a legislative candidate was at the time when the democratic party generally met defeat in Maryland, but Mr. Crothers was successful.

Upon his entrance into the state senate, early in 1898, Mr. Crothers assumed a position of prominence among the democratic members of the upper branch of the general assembly. By the time the next session of the legislature was held, 1900, the democrats had succeeded in gaining control of the two houses, and Mr. Crothers once more became a central figure. His leadership, however, had been changed from that of the minority—in which he had had the aid of John Walter Smith and Joshua W. Hering—to that of a majority—in which he was more or less alone,

since Mr. Smith had retired from the legislature to become governor and Mr. Hering had been chosen comptroller of the state.

In the years during which Mr. Crothers was filling his term in the state senate there arose differences among the factions of the party in his district, and although he succeeded in 1901 and again in 1905 in winning the nomination for state senator, in both elections he met with defeat. He had, however, by this time succeeded in establishing beyond dispute his leadership of the party's forces within his section, and he was the acknowledged democratic leader of Cecil county. Meanwhile he steadily advanced in his chosen profession, and made for himself a large reputation as an attorney. Upon the death of Judge Edwin H. Brown, on March 28, 1906, Governor Warfield appointed Mr. Crothers associate judge of the second circuit for the unexpired term extending to 1908. Shortly after he took his seat upon the bench, Judge Crothers announced that he would not be a candidate for reelection.

Up to this time Mr. Crothers had not been largely in the limelight. His legislative career, which had been brought to a close in 1901, had been somewhat forgotten by the people, while his subsequent political activities did not spread his name far past his own territory, except perhaps among political leaders. His duties on the bench, of course, were of such a character as not to afford him opportunity to engage much in political affairs. He was, however, brought prominently before the people of Maryland by the democratic state convention which, on August 8, 1907, named him as its nominee for governor.

The campaign which followed was noteworthy for two things. The first, that when Judge Crothers was notified of his nomination at the Lyric, September 19, he had come from a bed of sickness to attend the meeting, and within a

short while thereafter was stricken with typhoid fever, which kept him from active participation in the campaign. The other feature was the personal attacks made by his opponents upon his character and record—attacks which, because disproved, did much to win for him support from those who might otherwise have taken but a negative interest in the campaign. On November 5, 1907, Mr. Crothers was elected by a majority of about 8,000 votes over George R. Gaither, republican; and he succeeded Governor Warfield as chief magistrate of Maryland on January 8, 1908.

In striking contrast to Governor Crothers' forced inactivity during the campaign that resulted in his election, was his unusual industry in winning for the state certain desirable measures during the legislative session which attended the opening of his administration. Bearing in mind his early life and association with agriculturists, it is not surprising that the two things that have become to him practically "hobbies" are features that appeal first of all to the farmer. Economy in administration is the strongest recommendation that can be made for a candidate to the rural voter. To the agriculturist taxes mean much more than they do to the city man, and whoever is able and willing to see that public funds are not squandered by extravagance on the part of governmental officials is sure to win the farmer's support. And next in importance to the voter of the farm is the question of good roads.

Governor Crothers has long been an advocate of liberal investment by the state in beneficial internal improvements. He supported the good road clause in the party's platform in 1907; he stressed it on the occasion of accepting the nomination for governor, and during the session of the legislature in the opening months of 1908 he fought, bravely and successfully, for a bill that would give the state a high class of public highways. As a result there was appropriated \$5,000,-



ooo for the improvement of public roads in Maryland, and of this expenditure the farmer will be the greatest beneficiary. But while Governor Crothers has favored a bill setting aside \$5,000,000 for good roads, he has been constantly alert since taking the oath of office to see that the various departments of the state government practice strictest economy in spending the people's money, and the opening months of his governorship appear as the forerunner of a reform movement that shall correct the negligence in money matters which usually characterizes the management of governmental departments and public institutions.

Mr. Crothers is unmarried. While his official residence during his term in office must be Annapolis, his occupancy of the executive mansion has so far been only nominal. He has established an office in Baltimore, where he transacts much of the state's business, and he also maintains headquarters in Elkton, where he makes his home.

# APPENDIX A

## GUBERNATORIAL ELECTIONS IN MARYLAND

No.	Date.	Method. [Legislative or popular vote].	Candidates with vote for each. [* Indicates successful candidate].
1.	Feb. 13, 1777	Leg.	*THOS. JOHNSON, 40—S. CHASE, 9—M. TILGHMAN, 1—GEO. PLATER, 1—WM. PACA, 1.
2.	Nov. 10, 1777	"	*THOS. JOHNSON—unanimous.
3.	Nov. 9, 1778	"	*THOS. JOHNSON—opponents not named.
4.	Nov. 8, 1779	"	*T. S. LEE—COL. EDWARD LLOYD.
5.	Nov. 13, 1780	"	*T. S. LEE—unanimous.
6.	Nov. 19, 1781	"	*T. S. LEE—unanimous.
7.	Nov. 15, 1782	"	*WM. PACA—DANL. OF ST. THOS. JENIFER.
8.	Nov. 22, 1783	"	*WM. PACA—unanimous.
9.	Nov. 24, 1784	"	*WM. PACA—unanimous.
10.	Nov. 17, 1785	"	*WM. SMALLWOOD—DANL. OF ST. THOS. JENIFER.
11.	Nov. 30, 1786	"	*WM. SMALLWOOD—unanimous.
12.	Nov. 22, 1787	"	*WM. SMALLWOOD—unanimous.
13.	Nov. 10, 1788	"	*THOS. JOHNSON [declined to serve].—John E. HOWARD.
14.	Nov. 21, 1788	"	*JOHN E. HOWARD—opponents not named.
15.	Nov. 16, 1789	"	*JOHN E. HOWARD—unanimous.
16.	Nov. 8, 1790	"	*JOHN E. HOWARD—unanimous.
17.	Nov. 14, 1791	"	*GEO. PLATER—unanimous [died in office].
18.	Apr. 4, 1792	"	*T. S. LEE—BENJ. OGLE—NICHOLAS CARROLL.
19.	Nov. 4, 1792	"	*T. S. LEE—unanimous.
20.	Nov. 15, 1793	"	*T. S. LEE—unanimous.
21.	Nov. 17, 1794	"	*J. H. STONE—LEVIN WINDER.
22.	Nov. 9, 1795	"	*J. H. STONE—unanimous.
23.	Nov. 15, 1796	"	*J. H. STONE—unanimous.
24.	Nov. 13, 1797	"	*JOHN HENRY—unanimous.
25.	Nov. 12, 1798	"	*T. S. LEE—unanimous [Declined to serve].
26.	Nov. 14, 1798	"	*Benj. OGLE—NICHOLAS CARROLL.
27.	Nov. 18, 1799	"	*BENJ. OGLE—unanimous.
28.	Nov. 10, 1800	"	*BENJ. OGLE—unanimous.
29.	Nov. 9, 1801	"	*J. M. MERCER, 59—JAMES MURRAY, 26.
30.	Nov. 8, 1802	"	*J. M. MERCER, 53—JAMES MURRAY, 22.
31.	Nov. 14, 1803	"	*ROBT. BOWIE—unopposed.
32.	Nov. 20, 1804	"	*ROBT. BOWIE—unopposed.
33.	Nov. 11, 1805	"	*ROBT. BOWIE—unopposed.
34.	Nov. 10, 1806	"	*R. WRIGHT, 59—CHAS. CARROLL, 11—JOHN E. HOWARD, 3—T. JOHNSON, 1.
35.	Nov. 9, 1807	"	*R. WRIGHT, 56—CHAS. CARROLL, 7—J. E. HOWARD 7—WRIGHT, 1.

No.	Date.	Method.	Candidates with vote for each.
36. Nov. 14, 1808		Leg.	*R. WRIGHT—unopposed [resigned May 6, 1809].
37. June, 5, 1809		"	*EDWARD LLOYD—unopposed.
38. Nov. 13, 1809		"	*EDWARD LLOYD—unopposed.
39. Nov. 19, 1810		"	*EDWARD LLOYD—unopposed.
40. Nov. 11, 1811		"	*ROBT. BOWIE—JOHN E. HOWARD.
41. Nov. 12, 1812		"	*LEVIN WINDER, 52—ROBT. BOWIE, 29.
42. Dec. 14, 1813		"	*LEVIN WINDER, 48—ROBT. BOWIE, 28.
43. Dec. 12, 1814		"	*LEVIN WINDER, 48—ROBT. BOWIE, 23.
44. Dec. 11, 1815		"	*CHAS. RIDGELY, 47—ROBT. BOWIE, 45.
45. Dec. 9, 1816		"	*CHAS. RIDGELY, 62—ROBT. BOWIE, 17.
46. Dec. 8, 1817		"	*CHAS. RIDGELY—unopposed.
47. Dec. 14, 1818		"	*C. GOLDSBOROUGH, 49—FRISBY TILGHMAN, 4.
48. Dec. 13, 1819		"	*SAML. SPRIGG, 49—CHAS. GOLDSBOROUGH, 36.
49. Dec. 11, 1820		"	*SAML. SPRIGG, 48—CHAS. GOLDSBOROUGH, 46.
50. Dec. 8, 1821		"	*SAML. SPRIGG—unopposed.
51. Dec. 9, 1822		"	*SAML. STEVENS, JR., 63—JAS. B. ROBINS, 16.
52. Dec. 8, 1823		"	*SAML. STEVENS, JR.—unopposed.
53. Dec. 13, 1824		"	*SAML. STEVENS, JR.—unopposed.
54. Jan. 2, 1826		"	*J. KENT—WM. TYLER.
55. Jan. 1, 1827		"	*J. KENT, 84—opponents not named.
56. Jan. 7, 1828		"	*J. KENT, 80—BENEDICT I. SEMMES, 1—Blanks, 3.
57. Jan. 5, 1829		"	*D. MARTIN, 52—GEO. E. MITCHELL, 38.
58. Jan. 4, 1830		"	*T. K. CARROLL, 50—D. MARTIN, 43.
59. Jan. 3, 1831		"	*D. MARTIN, 50—blanks 32 [died in office].
60. Jan. 2, 1832		"	*GEO. HOWARD, 64—NICH. BREWER, 5—blanks 13.
61. Jan. 7, 1833		"	*JAS. THOMAS, 62—JOHN S. STODDANT, 2, John (?) THOMAS, 1—blanks, 21.
62. Jan. 4, 1834		"	*JAS. THOMAS, 48—ED. LLOYD, 46—W. H. MARRIOTT, 1.
63. Jan. 5, 1835		"	*JAS. THOMAS, 67—JOS. WEAIST, 1—JOSHUA JONES, 2—blanks 13.
64. Jan. 4, 1836		"	*T. W. VEASEY, 53—blanks, 23.
65. Jan. 2, 1837		"	*T. W. VEASEY, 70—blanks, 9—scattering, 2.
66. Jan. 1, 1838		"	*T. W. VEASEY, 52—blanks, 24—scattering, 5.
67. Oct. 3, 1838		Pop.	*WM. GRABON, 27,720—JOHN NEVITT STEELE, 27,409
68. Oct. 6, 1841		"	*FRANCIS THOMAS, 28,986—WM. COST JOHNSON, 28,321.
69. Oct. 4, 1844		"	*T. G. PRATT, 35,038—JAS. CARROLL, 34,492.
70. Oct. 6, 1847		"	*P. F. THOMAS, 34,388—WM. T. GOLDSBOROUGH, 33,679.
71. Oct. 2, 1850		"	*E. L. LOWE, 35,292—WM. B. CLARKE, 33,800.
72. Nov. 2, 1853		"	*T. W. LIGON, 38,730—RICH. J. BOWIE, 34,557.
73. Nov. 4, 1857		"	*T. H. HICKS, 44,762—JOHN C. GROOMS, 36,127.
74. Nov. 6, 1861		"	*A. W. BRADFORD, 57,501—BENJ. C. HOWARD, 26,070.
75. Nov. 8, 1864		"	*THOS. SWANN, 40,579—EZEKIEL F. CHAMBERS, 32,068.
76. Nov. 5, 1867		"	*Oden BOWIE, 63,602—HUGH L. BOND, 21,800.
77. Nov. 7, 1871		"	*WM. P. WHYTE, 73,903—JACOB TOMB, 58,815 [Gov. Whyte resigned in 1874].

No.	Date.	Method.	Candidates with vote for each.
78.	Feb. 4, 1874	Leg.	*J. B. GROOME, 75—JOHN E. SMITH, 18.
79.	Nov. 2, 1875	Pop.	*J. L. CARROLL, 85,454—J. MORRISON HARRIS, 72,530.
80.	Nov. 4, 1879	"	*W. T. HAMILTON, 90,771—JAS. A. GARY, 68,609.
81.	Nov. 6, 1883	"	*R. M. McLANE, 92,694—HART B. HOLTON, 80,707 [Gov. McLane resigned in 1885].
82.	Jan. 20, 1886	Leg.	*HY. LLOYD, 100—ROBT. B. DIXON, 14.
83.	Nov. 8, 1887	Pop.	*E. E. JACKSON, 99,038—WALTER B. BROOKS, 86,622—SUMMERFIELD BALDWIN, 4,416.
84.	Nov. 3, 1891	"	*FRANK BROWN, 108,530—WM. J. VANNORT, 78,388 —EDWIN HIGGINS, 5,120.
85.	Nov. 5, 1895	"	*LLOYD LOWNDES, 124,936—JOHN E. HURST, 106,169—JOSHUA LEVERING, 7,719—H. FRANKLIN ANDREW, 1,281.
86.	Nov. 7, 1899	"	*J. W. SMITH, 128,409—L. LOWNDES, 116,286—JAS. SWANN, 5,275—JOHN A. RUGEMER, 420—LEVIN T. JONES, 432—WM. N. HILL, 367.
87.	Nov. 3, 1903	"	*EDWIN WARFIELD, 108,548—S. A. WILLIAMS, 95,923—WM. GISRIEL, 2,913—SILAS M. CRABILL, 1,302.
88.	Nov. 5, 1907	"	*A. L. CROTHERS, 102,051—G. R. GAITHER, 94,300—JAS. W. FRIZZELL, 3,776—IRA CULP, 1,310

## APPENDIX B.

### ADMINISTRATIONS IN MARYLAND 1777-1908.

No.	Governor or acting governor.	Duration of Administration.
1	Thomas Johnson.....	1777 (March 21)
2	Thomas Sim Lee (1).....	1779 (November 12)
3	William Paca.....	1782 (November 22)
4	William Smallwood.....	1785 (November 26)
5	John Eager Howard.....	1788 (November 24)
6	George Plater.....	1791 (November 14)
6a	James Brice.....	1792 (February 13)
	[Acting-governor pending the election of a successor to Governor Plater.]	1792 (April 5)
7	Thomas Sim Lee (2).....	1792 (April 5)
8	John Hoskins Stone.....	1794 (November 14)
9	John Henry.....	1797 (November 17)
10	Benjamin Ogle.....	1798 (November 14)
11	John Francis Mercer.....	1801 (November 10)
12	Robert Bowie (1).....	1803 (November 15)
13	Robert Wright.....	1806 (November 12)
13a	James Butcher.....	1809 (May 6)
	[Acting-governor pending the election of a successor to Governor Wright.]	1809 (June 9)
14	Edward Lloyd.....	1809 (June 9)
15	Robert Bowie (2).....	1811 (November 16)
16	Levin Winder.....	1812 (November 25)
17	Charles Carnan Ridgely.....	1816 (January 2)
18	Charles Goldsborough.....	1819 (January 8)
19	Samuel Sprigg.....	1819 (December 20)
20	Samuel Stevens, Jr.....	1822 (December 16)
21	Joseph Kent.....	1826 (January 9)
22	Daniel Martin (1).....	1829 (January 15)
23	Thomas King Carroll.....	1830 (January 15)
24	Daniel Martin (2).....	1831 (January 13)
25	George Howard.....	1831 (July 22)
26	James Thomas.....	1833 (January 17)
27	Thos. Ward Veasey.....	1836 (January 14)
28	William Grason.....	1839 (January 7)
29	Francis Thomas.....	1842 (January 3)
30	Thomas George Pratt.....	1845 (January 6)
31	Philip Francis Thomas.....	1848 (January 3)
32	Enoch Louis Lowe.....	1851 (January 6)
33	Thomas Watkins Ligon.....	1854 (January 11)
34	Thomas Holliday Hicks.....	1858 (January 13)
		1862 (January 8)

No. Governor or acting governor.	Duration of Administration.
35 Augustus W. Bradford.....	1862 (January 8)
36 Thomas Swann.....	1866 (January 10)
37 Oden Bowie.....	1869 (January 13)
38 Wm. Pinkney Whyte.....	1872 (January 10)
39 Jas. Black Groome.....	1874 (March 4)
40 John Lee Carroll.....	1876 (January 12)
41 Wm. Thos. Hamilton.....	1880 (January 14)
42 Robert Milligan McLane.....	1884 (January 9)
43 Henry Lloyd .....	1885 (March 27)
[Acting-governor from March 27, 1885, to January 21, 1886, when he was inaugurated governor after having been elected successor to Governor McLane.]	
44 Elihu Emory Jackson.....	1888 (January 11)
45 Frank Brown.....	1892 (January 13)
46 Lloyd Lowndes.....	1896 (January 8)
47 John Walter Smith.....	1900 (January 10)
48 Edwin Warfield.....	1904 (January 13)
49 Austin Lane Crothers.....	1908 (January 8)

AF  
BIOGRAPHICAL

No.	NAME	BORN	FATHER
1	Thomas Johnson	Nov. 4, 1732	Thos. and Dorcas (Sedg
2	Thomas Sim Lee	Oct. 29, 1745	Thos. and Christiana (Si
3	William Paca	Oct. 31, 1740	John and Elizabeth P.
4	William Smallwood	1732	Bayne and Priscilla (Hel
5	John Eager Howard	June 4, 1752	Cornelius and Ruth (Ea
6	George Plater	Nov. 8, 1735	Geo. and Rebecca (Ad
7	John Hoskins Stone	1745	David and Elizabeth (J
8	John Henry	1750	John and Dorothy (Rid
9	Benjamin Ogle	Feb. 7, 1746	Samuel and Ann (Taske
10	John Francis Mercer	May 17, 1759	Robert and Ann (Roy)
11	Robert Bowie	Mar. 1750	Wm. and Margaret (Spr
12	Robert Wright	Nov. 20, 1752	Solomon and Mary (Tid
13	Edward Lloyd	July 22, 1779	Edward and Elizabeth
14	Levin Winder	Sept. 4, 1757	Wm. and Esther (Gillis)
15	Charles Carnan Ridgely	Dec. 6, 1760	John and Acsah (Ridge
16	Charles Goldsborough	July 15, 1760	Chas. and Anna Maria
17	Samuel Sprigg	1782 or 1783	Jos. and (?) Margaret
18	Samuel Stevens, Jr.	July 13, 1778	John and Elizabeth (Co
19	Joseph Kent	Jan. 14, 1779	Daniel and —K.
20	Daniel Martin	1780	Nicholas and Hannah (
21	Thomas King Carroll	Apr. 29, 1793	Hy. Jas. and Elizabeth
22	George Howard	Nov. 21, 1789	John Eager and Marg
23	James Thomas	Mar. 11, 1785	Wm. and Catherine (Bo
24	Thomas Ward Veasey	Jan. 31, 1774	Edward and Elizabeth (
25	William Grason	1786	Rich. and —G.
26	Francis Thomas	Feb. 3, 1799	Francis and Nellie (Mag
27	Thomas George Pratt	Feb. 18, 1804	Thos. and Eleanor (Mac
28	Philip Francis Thomas	Sept. 12, 1810	Tristram and Maria (Fr
29	Enoch Louis Lowe	Aug. 10, 1820	Bradley S. A. and Adels
30	Thomas Watkins Ligon	1812	Thos. D. and (Watkins
31	Thomas Holliday Hicks	Sept. 2, 1798	Hy. C. and Mary (Sewe
32	Augustus Williamson Bradford	Jan. 9, 1806	Samuel and Jane (Bond
33	Thomas Swann	1805 or 1806	Thos. and Jane Byrd (
34	Oden Bowie	Nov. 10, 1826	Wm. D. and Mary Eliza
35	William Pinkney Whyte	Aug. 9, 1824	Jos. and Isabella Pinkn
36	James Black Groome	Apr. 4, 1838	John Charles and Eliza
37	John Lee Carroll	Sept. 30, 1830	Chas. and Mary Digges
38	William Thomas Hamilton	Sept. 8, 1820	Henry and Anna Mary
39	Robert Milligan McLane	June 23, 1815	Louis and Catherine M.
40	Henry Lloyd	Feby. 21, 1852	Daniel and Kitty (Hen
41	Elihu Emory Jackson	Nov. 3, 1837	Hugh and Sally (McBrid
42	Frank Brown	Aug. 8, 1846	Stephen T. Cockey and
43	Lloyd Lowndes	Feby. 21, 1845	Lloyd and Marie (Moore
44	John Walter Smith	Feby. 5, 1845	John Walter and Charle
45	Edwin Warfield	May 7, 1848	Albert G. and Margaret
46	Austin Lane Crothers	May, 17, 1860	Alpheus and Margueret

# OF GOVERNORS

	MARRIAGE	DIED	AGE
	Ann Jennings	Oct. 26, 1819	1
	Mary Digges	Nov. 9, 1819	2
	(1) Mary Lloyd, (2) Anne Harrison	1799	3
	Bachelor	Feb. 14, 1792	4
	Margaret Chew	Oct. 12, 1827	5
	(1) Hannah Lee, (2) Elizabeth Rousby	Feb. 10, 1792	6
	(?) Couden	Oct. 5, 1804	7
	Margaret Campbell	Dec. 16, 1798	8
	(1) Rebecca Stilley, (2) Henrietta Margaret Hill	July 6, 1809	9
	Sophia Sprigg	Aug. 20, 1821	10
	Priscilla Mackall	Jan. 8, 1818	11
	(1) Sarah de Courcy, (2) Miss Ringgold	Sept. 7, 1826	12
	Sally Scott Murray	June 2, 1834	13
	Mary Sloss	July 1, 1819	14
	Priscilla Dorsey	July 17, 1829	15
G.	(1) Elizabeth Goldsborough, (2) Sarah Yerbury Goldsborough	Dec. 13, 1834	16
na) S.	Violette Landsale	Apr. 21, 1855	17
	Eliza May	Feb. 7, 1860	18
	(1) Eleanor Lee Wallace, (2) Alice Lee Contee	Nov. 24, 1839	19
	Mary Clare Maccubin	Jan. 11, 1831	20
	Julianna Stevenson	Oct. 3, 1873	21
	Prudence Gough Ridgely	Aug. 2, 1846	22
	Elizabeth Coates	Dec. 25, 1845	23
Y.	(1) Sarah Worrell, (2) Mary Veasey, (3) Mary Wallace	July 1, 1842	24
	Susan Orrick Sulivane	July 2, 1868	25
	Sally McDowell	Jan. 23, 1876	26
	Adelaide Kent	Nov. 9, 1869	27
	(1) Sarah Maria Kerr, (2) Mrs. Clintonia May	Oct. 2, 1890	28
dière) L.	Esther Winder Polk	Aug. 23, 1892	29
	(1) Sallie Dorsey, (2) Mary Tolly Dorsey	Jan. 12, 1881	30
	(1) Anna Thompson, (2) Leah Raleigh, (3) Mrs. Mary Wilcox	Feb. 13, 1865	31
	Elizabeth Kell	Mar. 1, 1881	32
	(1) Elizabeth Gilmor Sherlock, (2) Mrs. John R. Thompson	July 24, 1883	33
	Alice Carter	Dec. 4, 1894	34
	(1) Louisa D. Hollingsworth, (2) Mrs. Raleigh Thomas	Mar. 17, 1908	35
t) G.	Alice L. Edmondson	Oct. 4, 1893	36
H.	(1) Anita Phelps, (2) Mary Carter Thompson		37
McL.	Clara Jenness	Oct. 26, 1888	38
	Georgine Urquhart	Apr. 16, 1898	39
	Mary Elizabeth Stapleforte		40
	Nannie Rider	Dec. 27, 1907	41
Bennett) B.	Mrs. Mary (Ridgely) Preston		42
	Elizabeth Tasker Lowndes	Jan. 8, 1905	43
ngton) S.	Mary Frances Richardson		44
kine) W.	Emma Nicodemus		45
rtter) C.	Bachelor		46





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MINUTES  
OF  
THE COUNCIL  
OF THE  
DELAWARE STATE,  
FROM 1776 TO 1792.

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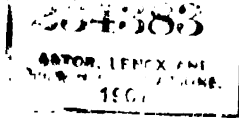
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## PREFACE.

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At the biennial session of the General Assembly of the State of Delaware, convened and held at Dover on the sixth day of January, A. D. 1885, being the first Tuesday of January in the aforesaid year, the following Joint Resolution was duly adopted, viz :

Joint Resolution in relation to certain Books in the Library.

**WHEREAS** there are now in the State Library of this State three volumes of the Minutes of the Council of this State, in manuscript, showing proceedings of said council from the year A. D. 1776 to the year 1792 inclusive ; and whereas said volumes contain much valuable information which should be preserved, and are of much value to the State, and age has already rendered much of the writing imperfect ; therefore

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a committee of two on the part of the Senate and three on the part of the House be appointed to have said volumes printed properly for the use of this State.

*Adopted at Dover, April 1, 1885.*

named members of the respective houses were appointed as the members of the Joint Committee therein provided for, viz :

Hon. Wilson T. Cavender,

Hon. Hugh Martin,

On the part of the Senate.

Hon. Jacob H. Adams,

Hon. C. Gundy Brown,

Hon. Enoch Moore,

On the part of the House of Representatives.

The said committee, in order to carry into effect the provisions of the said joint resolution, met in the State Library, at Dover, on Thursday, September 3d, 1885.

Present — Senators Cavender and Martin ; Representatives Brown and Moore. Mr. Adams, of the House, being absent.

The committee proceeded to organize.

On motion of Senator Cavender, Senator Martin was elected Chairman.

On motion of Mr. Moore, Samuel D. Truitt, State Librarian, was elected Secretary.

The Chairman was authorized to have the manuscript copy of the Minutes of the Council properly transcribed and arranged, preparatory to having the same printed, the compensation for the work to be fixed by the committee.

Chairman.

On Monday, March 29th, 1886, the committee reassembled at the call of the Chairman. Present, all the members except Mr. Adams, of the House.

The transcript directed to be made at the last meeting was presented and accepted.

On motion of Mr. Brown, it was ordered that 150 copies of the Minutes of the Council be printed and bound.

Senator Cavender offered a resolution, which, on his motion, was read, as follows :

*Resolved*, That the Secretary be authorized to advertise, for three issues, in one newspaper of each county of the State, for sealed proposals for printing, binding and delivering one hundred and fifty copies of the Minutes of the Council of the State of Delaware, from 1776 to 1792. Said minutes to be printed on fifty pound paper, and in accordance with Section 4 of Chapter 4 of the Revised Code, and to be bound in law sheep. Bids to be received up to Wednesday, April 21st, next, the Committee reserving the right to reject any and all bids.

And, on his further motion, the resolution was adopted.

The committee then adjourned until Wednesday, April 7th, next.

On Wednesday, April 7th, the Committee reassembled according to adjournment.

Present, all the members except Senator Cavender.



for transcribing minutes.

Adjourned subject to call of Chairman.

On Wednesday, April 21st, the committee met. Present, all the members except Senator Cavender.

The committee received the proposals for printing and binding the Minutes of the Council.

On motion of Mr. Moore, the contract was awarded to James Kirk & Son, at 88 cents per page.

On motion, the committee adjourned.

SAMUEL D. TRUITT,

*Secretary.*

# MINUTES OF THE COUNCIL OF THE DELAWARE STATE.

---

NEW-CASTLE-ON-DELAWARE,

MONDAY, October 28th, 1776.

At a meeting of the Council, one of the branches of the Legislature for the Delaware State, it appears, by the returns of the Sheriffs and Inspectors of the Counties of New Castle, Kent and Sussex, that on the 21st day of October, instant, at the usual places of election for the said counties, the following gentlemen were chosen members thereof, with the number of votes annexed and following each name, to wit :

FOR NEW CASTLE COUNTY.

George Read, with 280 votes.

Nicholas Vandyke, with 246 votes.

Richard Cantwell, with 244 votes.

FOR KENT COUNTY.

Thomas Collins, with 645 votes.

James Sykes, with 642 votes.

Richard Bassett, with 639 votes.

FOR SUSSEX COUNTY.

John Wiltbank, with 542 votes.

William Polk, with 541 votes.

Daniel Dingee, with 541 votes.

And the names being called over, they all appeared except Richard Cantwell, Esq.

Council adjourned till to-morrow, 3 o'clock P. M.

TUESDAY, P. M., October 29th, 1776.

Council met. Present all the members, who proceeded to the choice of a Speaker, when George Read was unanimously chosen.

The Speaker in the Chair, Mr. Slator Clay was appointed Clerk and Robert Booth Doorkeeper.

Then the Speaker in the Chair, and afterwards all the members, took and subscribed the oath, etc., and the declaration prescribed by the Constitution or system of government formed by the late Convention for this State.\*

On motion,

*Resolved*, That a quorum of this Council shall consist of five members, including the Speaker.

On motion,

*Ordered*, That Messrs. Bassett and Vandyke be a committee

---

\* The oath, &c., here mentioned is given in a subjoined "Qualification Book," with the signatures of the members appended thereto, and is as follows:

I [A. B.] will bear true allegiance to the Delaware State, submit to its Constitution and Laws, and do no act, wittingly, whereby the freedom thereof may be prejudiced.

I [A. B.] do profess faith in God the Father, and in Jesus Christ his only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

GEO. READ, *Speaker*.  
NICH'S VANDYKE.  
R'D CANTWELL.  
THOS. COLLINS.  
JAMES SYKES.  
RICHARD BASSETT.  
JOHN WILTBANK.  
WM. POLK.  
DAN. DINGEE.

Adjourned till to-morrow morning, 10 o'clock.

---

WEDNESDAY, A. M., October 30th, 1776.

Council met. Present all the members.

Slator Clay attended and took and subscribed a qualification for the faithful execution of the office of Clerk of this Council, and that he will not disclose or reveal the secrets thereof.\*

The committee appointed to report a set of Rules for conducting the business of this Council brought in their report, which, by order, was read and agreed to, and follows in these words, to wit:

**RULES TO BE OBSERVED BY MEMBERS OF COUNCIL DURING THE SITTING THEREOF.**

1. That all members of Council shall appear at the calling over their respective names at every adjournment.
2. That no member of Council shall be allowed to speak to any one matter or thing above three times, without license from the Speaker first had and obtained, and that no member presume to speak in the House sitting, but direct his discourse to the Speaker standing.
3. That no member of Council shall presume to speak or interrupt any other member whilst he is speaking.

---

\*The oath here mentioned is given in the "Book of Qualifications," as follows:

I, Slator Clay, do swear that I will faithfully, according to the best of my abilities, perform the office of Clerk of the Council of the Delaware State, and that I will not disclose or reveal the secrets thereof.

SLATOR CLAY.

thereof and continue thereout above the space of half an hour without leave first had and obtained.

5. That where any question is put in Council that may cause a debate, the names of the members who are for the affirmative, and also those who are for the negative, be set down at large on the minutes, being first moved for by one or more of the members thereof.

The Speaker laid on the table a letter addressed from the Honorable John Hancock, Esq., President of Congress, inclosing sundry resolutions respecting the augmentation and reënlistment of the Continental army during the war, which were read and laid on the table for consideration.

Adjourned till 3 o'clock.

---

EODEM DIE, P. M.

Council met. Present all the members.

A committee from the House of Assembly, attending at the door, were admitted and delivered the following verbal message, to wit :

That the House of Assembly requested the Council to appoint a committee to confer with a committee of their House on the subject matter of making a Great Seal for this State, and withdrew.

The Council, taking the same into consideration,

*Resolved*, That Messrs. Sykes and Vandyke be appointed a committee from this House to confer with the committee of the House of Assembly on the subject of forming a device and making a Great Seal for this State.

*Ordered*, That Mr. Bassett wait on the House of Assembly and inform them of the said appointment.

of the same appointment.

The Council entered upon the consideration of the letter from the President of Congress and the resolutions inclosed therewith, and thereupon

*Resolved*, That the following message be transcribed, signed by the Speaker, and sent to the House of Assembly, that is to say :

*Gentlemen :*

A letter from the Honorable Mr. Hancock, as President of the Congress, inclosing sundry resolutions of that body respecting the augmentation and reenlistment of the Continental army during the continuance of the war, being laid before us, we think it our duty to give you this immediate information thereof, sending herewith the letter and its inclosures, and as this business is of the greatest importance, we wish that it might be proceeded upon in the most effectual and expeditious way, and therefore propose to your honorable House the appointment of committees by both houses to confer upon the subject matter of the said letter and resolutions of Congress, who may severally report upon this business.

*Ordered*, That Mr. Collins wait on the House of Assembly with this message and the President's letter with its inclosures.

A committee from the House of Assembly, attending, were admitted and delivered the following verbal message, that is to say :

That Messrs. McKean, Cook and Robinson were appointed a committee by the House of Assembly to confer with the committee of Council on the forming a device and making a Great Seal for this State, and that they were then ready to attend the conference.

*Adjourned till to-morrow morning, 10 o'clock.*

THURSDAY, October 31st, 1776.

The Council met. Present all the members.

Mr. Collins reported that he had waited on the House of Assembly and delivered the message aforesaid, with the President of Congress's letter and its inclosures, according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered a written message from that House, as follows, to wit :

*"Gentlemen :*

*"This house has taken into consideration your message relating  
"to the enlistment of a Battalion in this State to continue in the  
"service of the United States of America during the present  
"war, together with the letter from the President of the Congress  
"and its inclosures, and thereupon appointed Messrs. Robinson,  
"Ridgely and McKean a committee to confer with a committee  
"of your honorable House on the subject matter thereof, at such  
"time and place as your House shall appoint."*

And the same being taken into consideration,

*Ordered*, That Messrs. Sykes, Vandyke and Collins be a committee to confer with the committee appointed by the House of Assembly on the subject matter of the message aforesaid, to meet at the house of Mr. Anderson this afternoon.

*Ordered*, That Mr. Vandyke wait on the House of Assembly and inform them of this appointment.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, November 1st, 1776.

Council met. Present all the members.

Mr. Vandyke reported that he had waited on the House of Assembly, according to order, and informed them of the appointment of the committee of Council as aforesaid.

Some of the members desiring leave to attend committees, adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, November 2d, 1776.

Council met.

The committee appointed to confer with a committee of the House of Assembly respecting the raising of a Battalion from this State to serve in the Army of the United States of America during the present war, upon the terms mentioned in the resolutions of Congress, made their report, which, by order, was read the first time.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolutions of that House upon the report of their committee respecting the raising of the battalion aforesaid to serve during the present war, for the approbation and concurrence of the Council, which, by order, was read the first time.

On motion,

By special order, as well the report of the committee of Council as the resolutions of the House of Assembly aforesaid, were read



sideration of the same was deferred till the afternoon.

The committee appointed to confer with a committee of Assembly on the subject matter of forming a device and making a Great Seal for this State, brought in their report, which, by order, was read the first time.

On application of Mr. Collins for leave of absence till Monday afternoon, the same was granted.

Adjourned till 3 o'clock.

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EODEM DIE, P. M.

Council met. Present all the members except Mr. Collins.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a resolution of that House upon the report of the committees of conference respecting the forming of a device and making a Great Seal for this State, which, by order, was read the first time.

On motion,

By special order, the same was read a second time and concurred in, and is in the words following, to wit :

*"Resolved,* That a committee of one member from each House be appointed to procure, as soon as possible, a silver seal of the diameter of three inches and of a circular form, and that there be engraven "Britannia" on the right side thereof, and "on the left, opposite to her, "Liberty," (in the usual shapes) "with a label proceeding from Britannia to Liberty in these words: "Go to America;" and that there be engraven on the top, the shape of a book, having these words therein: "The

words therein : "The System of Government ;" and that there  
"shall be an inscription round the same, near the edge or ex-  
"tremity thereof, in the words following, in capital letters :  
" 'THE GREAT SEAL OF THE DELAWARE STATE,'  
"with the figures 1776.

"*Resolved*, That Mr. McKean be appointed on the part of this  
"House for the purpose above mentioned."

On motion,

*Resolved*, That Mr. Sykes be appointed on the part of the  
Council for the carrying the resolution aforesaid into execution.

*Ordered*, That Mr. Vandyke wait on the House of Assembly,  
with the concurrence of Council to their resolution, and inform  
that House of the appointment of Mr. Sykes to join with Mr.  
McKean in procuring the Great Seal for this State.

The Council resumed the consideration of the resolutions of the  
House of Assembly respecting the raising a battalion from this  
State to serve during the war in the army of the United States,  
and after some time spent therein it was deferred till Monday  
next.

Adjourned till Monday morning, 10 o'clock.

MONDAY, November 4th, 1776.

Council met. Present all the members, except Messrs. Cantwell and Collins.

Mr. Vandyke reported that he had waited on the House of Assembly, according to order, and informed them of the appointment of Mr. Sykes to join Mr. McKean in procuring a Great Seal for this State.

The Council resumed the consideration of the resolutions of the House of Assembly respecting the raising a battalion from this State to serve during the war in the army of the United States, and divers amendments being proposed and agreed to, the same were transcribed.

*Ordered*, That Mr. Sykes wait on the House of Assembly with the said resolutions, and amendments proposed by this House, for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, November 5th, 1776.

Council met. Present all the members, except Mr. Cantwell and Mr. Collins.

Mr. Sykes reported that he had waited on the House of Assembly, according to order, with their resolutions respecting the raising a battalion from this State, and the amendments thereto proposed by this House for their consideration and concurrence.

was admitted and returned the amendments proposed by the Council to resolutions respecting the raising a battalion from this State, to all of which the House of Assembly agreed except those in the 4th resolution, to which that House proposed further amendments, and the same being taken into consideration were acceded to by the Council.

Whereupon Mr. Vandyke was ordered to wait on the House of Assembly with the concurrence of Council to the said resolutions, which are as follows, to wit :

“1. *Resolved*, That one battalion be enlisted from this State to serve during the present war, agreeable to the resolutions of Congress of the 16th of September last.

“2. That a member be appointed by each House to repair forthwith to the camps in New York and New Jersey and inquire into the condition of the battalions there under the command of the Cols. Hazlet and Patterson, and obtain a list of such officers in Col. Hazlet's Battalion as are willing to continue in the service during the present war on the terms proposed by Congress ; and also a list of such officers in Col. Patterson's Battalion as may be desirous of supplying vacancies, if any such shall be.

“3. That the said two commissioners be instructed to consult and advise with General Washington respecting the promotion and appointments of officers in the battalion to be enlisted as aforesaid.

“4. That the said commissioners be furnished with blank commissions from Congress, and that they, having the approbation of General Washington, may fill up the same with the names of such officers as choose to continue in the service, giving preference to the officers in Col. Hazlet's Battalion of regulars, deficiencies to be made up out of the list of officers belonging to Col. Patterson's Battalion.

“5. That the commissioners take the most speedy and effectual measures to procure the enlistment of such non-commissioned officers and privates in the two battalions aforesaid as may be willing to engage in the service during the war on the terms proposed by Congress.

the condition of the clothing, arms and blankets of the soldiers  
“belonging to the said battalions, and report the same to the  
“General Assembly as soon as possible.

“On motion,

“*Resolved*, That Col. Samuel West be appointed on the part  
“of this House a commissioner for the purposes aforesaid.”

Adjourned till to-morrow, 10 o'clock.

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WEDNESDAY, November 6th, 1776.

Council met.

A member from the House of Assembly, attending at the door,  
was admitted and delivered to the Chair the orders and resolution following, to wit :

“On motion,

“*Ordered*, That Mr. Thompson, Mr. Lockwood and Mr.  
“Bradley be a committee to adjust and settle the accounts of the  
“Military Treasurers of the several counties in this State, and  
“report the same to this House.

“On motion,

“*Ordered*, That Messrs. Thompson, Lockwood and Bradley  
“be a committee to adjust and settle the pay and accounts of the  
“officers appointed in the [*said*] Third Battalion proposed to  
“have been raised in this State by the late convention thereof.

“*Resolved*, That the accounts of the signers of the last emission of paper currency, and of those persons who attended the press, etc., be referred for adjustment to the above mentioned committee.

"of the above orders and resolution and propose to them the appointment of a committee of Council to join with the committee of this House in the business aforesaid, if they think proper."

And the same being read and considered were concurred in, and thereupon Messrs. Sykes and Dingee were appointed to join the committee named by the House of Assembly in the settlements of the several accounts aforesaid, and that they report the same to this House.

The Council proceeded to the nomination of one of their members to repair to the camps in New York and New Jersey, agreeable to the resolutions of yesterday, when Lieut.-Col. Collins was unanimously appointed.

*Ordered*, That Mr. Wiltbank wait on the House of Assembly with a copy of the appointment of Col. Collins aforesaid, and also with the concurrence of Council to the foregoing resolution and orders of the House of Assembly.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the order aforesaid.

A committee from the House of Assembly, attending at the door, were admitted, and delivered to the Chair a bill entitled

"An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting of the same and other bills of credit."

Also, a "Bill for printing and emitting fifteen thousand pounds on bills of credit of this State, to be let out on loan; and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same."

Which, by order, were read the first time.

A committee from the House of Assembly, attending at the door, were admitted and delivered to the Chair the following propositions, to wit :

“ On motion,

“ *Ordered*, That Messrs. Porter, Clarke and Hill be a committee “ to wait on the Council and propose to them the appointment of “ Delegates from this State to Congress, by joint ballot of both “ Houses, as prescribed by the Constitution ; and also the ap- “ pointment of a Council of Safety for this State, to act during the “ recess of the Legislature.”

And the same being taken into consideration, the Council concurred in the first proposition, as to the appointment of delegates. As to the appointment of a Council of Safety,

*Resolved*, That the following message be transcribed, signed by the Speaker, and sent to the House of Assembly, viz :

*Gentlemen :*

The propositions delivered to us by your committee respecting the appointment of Delegates from this State to Congress by joint ballot, and also a Council of Safety, to act during the recess of the Legislature, were taken immediately under our consideration. As to the first, the Council have concurred ; as to the last, to wit : the appointment of a Council of Safety, we could have wished that some reason had been assigned in the proposition to show the necessity of forming such a power upon our own authority. We can conceive a case that may justify such a measure, to wit : the adjournment of the General Assembly before the appointment of a President and Privy Council under the present Constitution. If this should be the intention of the House of Assembly, and their reason for proposing the appointment of a Council of Safety, we shall think it our duty to join in such a provision for the weal of the State in the recess of the General Assembly ; therefore we wish to have this business explained.

*Ordered* that Mr. Polk wait on the House of Assembly with this message.

Mr. Polk returned and made report that he had delivered the message according to order.

Adjourned till 10 o'clock to-morrow morning.

THURSDAY, November 7th, 1776.

Council met. Present all the members, except Mr. Cantwell.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the declaration of that House of their intention to adjourn before the appointment of a President and Privy Council, and such was their reason for proposing the appointment of a Council of Safety in the recess of the General Assembly.

Whereupon the Council concurred and agreed that the election of Delegates and a Council of Safety be had to-morrow, at three o'clock in the afternoon, in the State House.

On motion,

By order, the bill "to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting of the same and other bills of credit,"

Was read the second time, and, after some debate, the same was agreed to.

*Ordered*, That Mr. Bassett wait on the House of Assembly with the said bill and inform them of the concurrence of the Council thereto.

Adjourned till 3 o'clock.

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EODEM DIE, P. M.

Council met. Present all the members, except Mr. Cantwell.

Mr. Bassett reported that he had waited on the House of Assembly and delivered the bill given him in charge in the forenoon, with the concurrence of Council thereto, according to order.



bly is now ready to proceed to the election of Delegates from this State to Congress, and also a Council of Safety, agreeable to the proposition concurred in by both Houses.

The Council and Assembly, being met in the State House, proceeded to the election of Delegates from this State to the Congress of the United States of America, by joint ballot, which being taken and examined, it appeared that

George Read, Esquire,  
John Dickinson, Esquire,  
and John Evans, Esquire,

were duly elected. And the ballots being taken for persons to compose a Council of Safety during the next recess of the General Assembly, and the same being examined, it appeared that the following persons were duly elected, to wit :

*For New Castle County*—James Latimer,  
John McKinley,  
Abram Robinson,  
John Lea,  
Nicholas Vandyke.

*For Kent County*—Cæsar Rodney,  
James Sykes,  
Thomas Collins,  
John Banning,  
Richard Bassett.

*For Sussex County*—David Hall,  
Jacob Moore,  
John Wiltbank,  
John Rodney,  
James Rench.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, November 8th, 1776.

Council met. Present all the members.

On motion and order,

The bill "for printing and emitting fifteen thousand pounds in bills of credit of this State, to be let out on loan ; and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,"

Was read the second time, and divers amendments were proposed and agreed to.

*Ordered*, That Mr. Cantwell wait on the House of Assembly with the said bill and the amendments thereto proposed by this Council for their consideration and concurrence.

Mr. Cantwell reported that he had waited on the House of Assembly according to the order aforesaid.

The resolutions for raising a battalion in this State to serve during the war, and appointment of commissioners to carry the same into execution, being transcribed, were ordered to be signed by the Speaker and to be delivered to the said commissioners.

A member from the House of Assembly, attending at the door with a verbal message, was admitted and delivered the same, to wit :

That the House of Assembly acceded to the amendments proposed by this Council to the bill "for printing and emitting £15,000 in bills of credit of this State, to be let out on loan, &c.," and requests this Council to nominate three persons, in addition to those already named in the bill, to be signers of the said bills of credit.

Acceded to, and Mr. Sykes, Mr. Wiltbank and Mr. Jones are appointed as signers.

*Ordered*, That Mr. Vandyke wait on the House of Assembly and inform them of the above appointments.

Assembly according to the order aforesaid.

A committee from the House of Assembly, attending at the door, were admitted and delivered to the Chair

A bill "for ascertaining the salaries and allowances to the officers and persons herein mentioned employed in the Government of this State, and for the providing funds for the payment thereof."

Which, by order, was read the first time.

On motion,

*Ordered*, That a certificate of the appointment of the Delegates to the Congress, as chosen yesterday in the General Assembly, expressing the powers they are to be invested with, be drawn up and sent to the House of Assembly for their concurrence ; which being done at the table and transcribed, is as follows, to wit :

IN COUNCIL, November 8th, 1776.

WHEREAS George Read, John Dickinson and John Evans, Esquires, have been chosen by joint ballot of the two Houses of Assembly to represent the Delaware State in Continental Congress,

*Resolved*, That they, or any one or more of them, are hereby fully authorized and empowered for and in behalf of this State to concert, agree to, and execute any measure which they, or he, together with a majority of the Continental Congress shall judge necessary for the defense, security, interest and welfare of this State in particular and America in general; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage.

*Ordered*, That Mr. Vandyke wait on the House of Assembly and deliver the same for their concurrence ; who, having returned, reported that he had delivered the same according to order.

Adjourned till to-morrow, 10 o'clock.

SATURDAY, November 9th, 1776.

Council met. Present all the members.

The committee appointed to confer with a committee of Assembly to adjust and settle the accounts of the Military Treasurers of the several counties in this State, and to settle and adjust the pay and accounts of the officers appointed in the battalion ordered to be raised by the late Convention in September last in this State; likewise the accounts of the signers of the last emission of paper currency, and of those persons who attended the press, &c., brought in their report,

Which, by order, was read and ordered to lie on the table for consideration.

The Council being informed that the commissioners appointed to repair to the camps were ready to proceed as soon as the General Assembly should direct,

*Ordered*, That Mr. Dingee wait on the House of Assembly with a verbal message containing the following quares, to wit :

As the commissioners appointed to go to the camps should be furnished with some of the printed resolutions of Congress relating to the reënlistment of the army, and the blank commissions transmitted by the President of Congress :

*Quare*. If the House of Assembly are not in possession of both?

*Quare*. If the commissioners ought not to have a sum of money voted to them for the expenses of their journey?

*Quare*. If any one person is appointed by the House of Assembly to collect all the blankets, linens and woolen cloth, recommended by the Council of Safety, whose proceedings are before the House of Assembly, and to carry the same forward to the camps and there distribute to such as may want at first cost?

fore avoided doing anything in it that might interfere with what the House of Assembly had done ; and for this further reason, that a grant of money for the carrying it into execution would be necessary.

Mr. Dingee, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and proposed sundry amendments to the report of the committee appointed to confer with a committee of Assembly to adjust and settle the accounts of the Military Treasurers, &c., to wit :

As to Col. Collins, nothing allowed for the transportation, &c., of money.

As to Capt. Porter, forty shillings added, which was omitted by mistake of committee.

As to John Clowes, 40s. added.

And the same being taken into consideration,

*Ordered* that Mr. Bassett wait on the House of Assembly with the following verbal message, to wit :

The Council having considered the amendments proposed by the House of Assembly to the report of the Committee for Public Accounts, to wit :

The taking off £6 : 4 : 0 from the allowance made to Colonel Thos. Collins, for expenses attending the delivery of part of the bills of credit, lately signed by him ; the addition of 40s. to the allowance made to Capt. Alex. Porter, and the addition of the like sum to Mr. John Clowes, for their attending the printing of the same bills of credit ; as to the two last amendments the Council accede thereto.

As to the first, they apprehend the committee have misstated the service for which that allowance was made. The Council are informed that the greater part of the charge arises for the carriage of the bills from the press to the house of the signer, where

allowed therefor. The remaining part of the charge to Dover, it is urged, was for that part of the moneys belonging to the office in Sussex. For these reasons the Council are of the opinion such a charge is just, and submit it to the reconsideration of the House.

The Council propose an alteration in the sum allowed for commissions on the £500, in the first part of the report, to Brigadier McKinley, this sum being paid under an order drawn by him, as Chairman of the Council of Safety of New Castle County, on Col. Collins in favor of Lieutenant Kamford, Col. Collins being allowed commissions thereon, £7 : 10, the sum to be deducted.

Mr. Bassett reported that he waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolutions following, to wit :

“On motion, by order,

“The report of the committee appointed to devise the best method of supplying the inhabitants of this State with salt, was read the second time, and, being debated and amended, was agreed to, as follows, to wit :

“That they are of opinion the most certain and expeditious method of procuring a speedy supply of salt would be to authorize and empower some careful and prudent persons at the Town of New Castle to purchase one or more cargo or cargoes of salt from on board vessels bound to Philadelphia, or after their arrival there, at the lowest prices for which the same can be procured, and to distribute, to the quantities they shall buy, from time to time, equally between the several counties of this State, and cause the proportion for each county to be delivered to some member of the Council of Safety in such county, who, with the advice and assistance of the other members of the said Council residing in said counties respectively, shall cause the same to be delivered out to the inhabitants thereof in proportion to their several wants.

appointed to buy it ought to be supplied with £2,500 for that purpose, and that it should be retailed out to the inhabitants at so small an advance as would be only sufficient to reimburse the State.

*Resolved*, That Messrs. Zachariah V. Lenvington and Joseph Tatlow, of the Town of New Castle, be and they are hereby appointed commissioners to carry the foregoing resolutions into execution ; and that they be authorized to borrow, from any person or persons who will lend the same on the credit of this State, any sum or sums of money, not exceeding £2,500, to be repaid, with interest at six per cent., in three months.

*Resolved*, That certificates, signed by the said commissioners, expressing therein the sums borrowed, to be upon the above terms and for the above purposes, shall be sufficient vouchers to entitle the lenders to the repayment thereof by this State.

*Resolved*, That the said commissioners render an account of their proceedings in the premises to the General Assembly of this State at the next session."

Read and concurred in.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolution following, to wit :

*Resolved*, That the balance of public money remaining in the hands of Thos. Collins, Esq., Military Treasurer for the County of Kent, be paid into the hands of the Speaker of this House, whose receipt shall be a sufficient discharge to the said Military Treasurer for the same ; and that the Speaker be accountable for the disposal thereof."

*For the consideration and concurrence of the Council.*

Read and concurred in.

A member from the House of Assembly, attending at the door, was admitted and returned the resolution of Council expressing

the concurrence of the House of Assembly thereto, and delivered to the Chair the following verbal message, to wit :

“That the Speaker of the Assembly has delivered several of the printed resolutions of Congress relating to the reënlistment of the army, and forty blank commissions, received from the President of the Congress, together with eight copies of the Articles of War, to Col. Samuel West, one of the commissioners appointed to repair to the army.

“This House will do their part in satisfying the commissioners for their expenses to be incurred in the service of the State.

“The Assembly have taken measures for securing the blankets, linen and woolen cloth, purchased in consequence of the directions of the Council of Safety, and hope the same may be sent to the camps some time next week ; to pay for which they have passed the resolution sent to the Council for their concurrence.”

*Ordered*, That Mr. Bassett wait on the House of Assembly with the concurrence of Council to their resolution respecting the most certain and expeditious method of procuring a speedy supply of salt ; and also their resolution respecting the payment of the balance of the public money in the hands of Col. Collins to the Speaker of the House of Assembly.

Mr. Bassett returned and reported that he had waited on the House of Assembly according to the order aforesaid.

A member of the House of Assembly, attending at the door, was admitted and delivered a verbal message that the House of Assembly had postponed the consideration of that part of the report made by the Committee of Accounts as objected to by the Council in their message till the next sitting of the General Assembly.

To which the Council agreed.

*Ordered*, That a member of Council wait on the House of Assembly and inform them that the Council concurred in the other parts of the report.



ing their sentiments as to the settling and defraying the expenses of the present session, and how the same shall be done ;

In answer to which, it is proposed that the whole expenses should be severally ascertained and defrayed by orders, to be drawn by the Speakers of both Houses, on the several Trustees of the Loan Office in this State.

And the Council concurred.

The Council took into consideration the expenses of their session, and thereupon

*Resolved*, That there be paid to the members of Council :

For New Castle County, for personal expenses by them incurred, to wit : 3 members, 13 days, . . .	£21	14	10
To the members of Kent County, for same, . . .	25	15	11
To the members of Sussex County, for same, . . .	27	14	10
To Slator Clay, Clerk to Council, for 12 days' attendance, @ 7s. 6, . . .	4	10	0
To Robert Booth, Doorkeeper, for 12 days' attendance, @ 5s., . . .	3	0	0
	<hr/>		
	£82	15	7
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*Ordered*, That same be transcribed and sent to the House of Assembly for concurrence, which was done accordingly.

Orders, drawn and signed by the Speaker of Assembly, for the amount of the said expenses were delivered to the Chair.

A notice, in writing, subscribed by the Speaker of the Assembly, that that House had adjourned to Monday, the sixth day of January next, to meet at the State House, in the Town of New Castle, was delivered to the Chair.

Then the Council adjourned to the 6th day of January next.

or Musters.

*“Ordered,* That the same be transcribed, and that Mr. Ridgely  
“wait on the Council therewith and propose to them the appoint-  
“ment of a committee of their House, to join with the committee  
“aforesaid, in the business referred to them.”

And the same being read, ordered to lie on the table for consideration.

The Speaker laid on the table a letter addressed from the Honorable John Hancock, Esq., President of Congress, inclosing sundry resolutions of the 11th, 27th, 30th and 31st of December last, which were read.

On motion, .

*Ordered,* That the same be referred to a committee of three.

Whereupon Messrs. Vandyke, Cantwell and Sykes were appointed a committee for that purpose.

The report of the commissioners appointed to repair to the camps and inquire into the condition of the Battalions under Cols. Haslet and Patterson, and commission a sufficient number of officers for the battalion to be raised in this State to serve during the war, with sundry papers as vouchers of their proceedings, being presented to the Chair, by order, was read and laid on the table for consideration.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, January 11th, 1777.

Council met.

A member from the House of Assembly delivered at the Chair a written paper, subscribed with the name of Jacob Bennett, purporting an account of his being taken by a British ship of war to the southward of Cape Henlopen, and that while a prisoner five persons, supposed to be inhabitants of this State, came in a boat, with some live stock, on board said ship, one of which persons passed there by the name of Daniel Dingee; and the House being informed that John Trip and Levi Potter were prisoners at the same time on board the said ship;

*Ordered*, That the Speaker issue notices, by way of summons, to Jacob Bennett and John Trip and to Levi Potter to attend here on Monday next, at 11 o'clock, A. M., to give evidence of their knowledge of the persons aforesaid and their conduct on board the said ship.

The committee to whom the Honorable Mr. Hancock's letter and resolutions of Congress were referred, prayed further time to report thereon, and granted.

Mr. Polk desired leave of absence for a few days to visit his brother, dangerously ill. Granted.

Adjourned to Monday next.

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MONDAY, January 13th, 1777.

Council met, but there not being a quorum to proceed on business, adjourned till to-morrow.

TUESDAY, January 14th, 1777.

Council met.

The Speaker reported from the chair that he had issued notices requiring the attendance of Jacob Bennett, John Trip and Levi Potter, agreeable to the order of Saturday.

It appearing to the House that Jacob Bennett and John Trip were sick, their non-attendance is excused till their recovery.

Mr. Dingee, a member of this House, not having attended during the sitting thereof, and a sufficient reason not being assigned for his absence,

*Ordered*, That the Speaker write to Mr. Dingee requiring his attendance in this House forthwith, and that a messenger be sent with such letter.

The committee to whom the Honorable Mr. Hancock's letter and resolutions of Congress were referred, brought in their report, which, by order, was read and referred till to-morrow.

Adjourned till 10 o'clock to-morrow morning.

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WEDNESDAY, A. M., January 15th, 1777.

Council met, and resumed the consideration of the report of yesterday referred to this day, which was agreed to, as follows :

Your committee, to whom the Honorable Mr. Hancock's letter and resolutions of Congress of the 11th, 27th, 30th and 31st of December last was referred, do report, that they have taken the

of the 11th of December aforesaid, recommending the appointment of a day of solemn fasting and humiliation, is highly proper to be complied with, and propose Thursday, the 27th of February next, as a proper day, and that a proclamation issue for that purpose, in the following form, to wit :

### A PROCLAMATION.

WHEREAS the just war into which the United States of America have been forced by Great Britain is likely to be still continued by the same violence and injustice which have hitherto animated the enemies of American freedom ; and whereas it becomes all public bodies, as well as private persons, to reverence the Providence of God, and look up to Him as the Supreme Disposer of all events and the Arbiter of the fate of Nations ;

Therefore the General Assembly of the Delaware State do appoint Thursday, the 27th of February next, to be observed by all ranks of people within the same as a day of solemn fasting and humiliation, to implore of Almighty God the forgiveness of the many sins prevailing among us, and to beg the countenance, protection and assistance of His Providence in the prosecution of this just and necessary war, and a happy and speedy conclusion of the same.

And it is recommended to Christians of all denominations within this State to assemble for publick worship and to abstain from servile labor and recreation on said day.

*Signed by order of the General Assembly.*

Given at New Castle, ——— of January, 1777.

Your committee are also of opinion that the resolution of Congress of the 27th of December, recommending the march of the new levies of this State for the Continental army, by companies or parts of companies, be also complied with ; and that it be recommended to the commanding officer of the Delaware Battalion to issue orders to the respective captains thereof to march their companies to Philadelphia, to receive further orders from the commanding officer there, and, if not yet complete, to cause so many as may be already enlisted immediately to repair there, under a proper officer or officers, provided the number shall

order to fill up the companies ; and that a sum of money be provided for the subsistence of the companies so marching till they arrive at Philadelphia, which, your committee think, will render the appointment of a commissary, to proceed there for the purpose of procuring provisions, unnecessary.

Your committee are further of opinion that the resolution of Congress of the 30th of December, prohibiting the exportation of bacon, salted beef and pork, soap, tallow, and candles, be also complied with and strictly observed by the inhabitants of this State, and that the said resolution be published within the State for their information.

Your committee do likewise recommend that the resolution of Congress of the 31st of December, by which the restrictions heretofore imposed upon the exportation of staves, or other lumber, except to Great Britain, Ireland and the British Islands, or any place under the dominion of Great Britain, is taken off, be also published within this State.

*Ordered*, That the foregoing resolutions of Council be transcribed and sent to the House of Assembly for their consideration and concurrence, and that Mr. Vandyke deliver the same, together with the President's letter and resolutions of Congress aforesaid.

Adjourned till 3 o'clock.

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EODEM DIE, P. M.

Council met.

Mr. Vandyke reported that he had waited on the House of Assembly and delivered the resolutions of this day, with the President's letter, according to order.

sion of his wife as an excuse for his non-attendance hitherto, which was admitted.

Mr. Dingee being informed of the contents of the written paper, subscribed by Jacob Bennett and delivered to this House on Saturday last, wherein mention is made of five persons, supposed to be inhabitants of this State, going on board a British ship of war with live stock, one of which persons passed there by his name, requested that the said Jacob Bennett, and all other persons who had any knowledge of that transaction, might be summoned before this House, to give evidence thereof, at some future day, and that in the meantime his attendance in Council be dispensed with, as he did not choose to continue his seat here while under such a suspicion.

*Resolved*, That Mr. Dingee's attendance in Council be dispensed with till further order.

*Ordered*, That the Speaker issue other summonses, directed to Jacob Bennett, John Trip and Levi Potter, and summonses for Griffith Minshall, Jun., John Marshall and Joseph Poole, requiring their attendance on this House on Friday next, at 11 o'clock, to give evidence of their knowledge of the charge against Mr. Dingee, at which time he is ordered to attend.

The House taking into consideration the condition of the Militia of this State, and it appearing that there had been for some considerable time past almost a total neglect of the attendance of associators on muster and review days, and a general omission to levy the penalties and taxes imposed by the articles and rules made for the better governing of the Militia by the late House of Assembly, and that the said articles and rules required some attention and amendments for their more effectual execution, therefore,

On motion,

*Ordered*, That a committee of four be appointed to bring in a bill for the more effectual establishing a Militia in this State. The members chosen are : Mr. Vandyke, Mr. Sykes, Mr. Cantwell and Mr. Wiltbank.

The House resuming the resolution of the House of Assembly for the appointment of a committee to settle and adjust the ac-

counts of the officers and privates of the 2d Delaware Battalion, raised for the Flying Camp, previous to their being passed by the Commissary of Musters ;

*Ordered*, That Messrs. Sykes and Vandyke be a committee from this House, to join with the committee named by the House of Assembly in the business aforesaid.

Adjourned till to-morrow morning.

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THURSDAY, January 16th, 1777.

Council met.

Mr. Sykes, one of the persons appointed to procure a Great Seal for this State, agreeable to the resolve of this House of the 2d of November, delivered at the table the following report from that committee, to wit :

“ The committee appointed to get a skillful engraver to make the Great Seal of this State, which was agreed upon by both Houses, now report that they could procure no person capable of executing the work to undertake it at this time, being engaged in other very important business for the safety of their country. That upon consulting an ingenious gentleman in the art of heraldry, they are humbly of opinion that the Great Seal agreed upon would be more suitable for a medal than the seal of a State, and therefore submit the same to the consideration of both Houses.”

The House, taking the same into consideration, are satisfied with the reasons assigned for not carrying the resolutions aforesaid into execution, and resolved that the said committee be discharged.



of that House for concurrence of Council, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, January 13th.

“ On motion,

“ *Resolved*, That the former vote respecting a Great Seal be rescinded.

“ On motion,

“ *Ordered*, That Messrs. Cook, Robinson and McKean be a committee to confer with a committee of Council on the subject matter of a device for and making of a Great Seal for this State, and also to fix upon a seal which shall be held and deemed to be the Great Seal *pro tempore* until the Great Seal to be agreed upon by both Houses be made.”

Which, being taken into consideration, was concurred in.

*Resolved therefore*, That the resolution of the 2d of November last respecting a Great Seal be rescinded.

*Ordered*, That Messrs. Cantwell and Wiltbank be a committee from this House to confer with the committee of Assembly on the subject matter of forming a Great Seal and fixing a seal *pro tempore*.

*Ordered*, That Mr. Vandyke wait on the House of the Assembly with the concurrence and appointment aforesaid.

Who, being returned, reported that he had delivered the same according to order.

The report of the proceedings of the commissioners appointed to repair to the army to nominate officers for the battalion to be raised as the quota of this State to serve during the war, being resumed,

*Ordered*, That the same be referred to a committee of three to report thereon. The members chosen : Mr. Cantwell, Mr. Sykes, and Mr. Vandyke.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, January 17th, 1777.

Council met.

The witnesses ordered to be summoned respecting the charge against Mr. Dingee, a member of this House, his being on board a British ship of war on or about the 30th of December last, all attending except Levi Potter, who was out of the State and not summoned,

*Ordered*, That notice be given to the Honorable the Speaker of the House of Assembly, and such of the members thereof as are in town, that the examination of the witnesses is to be had forthwith, that they may be present if they think fit.

The Speaker of the Assembly, with a number of the members of that House, attending, were admitted accordingly. Mr. Dingee also attending by order.

The Council proceeded to the qualifying and examining Jacob Bennett, John Trip, Griffith Minshall, Jun., John Marshall, and Joseph Poole, severally and apart, respecting their knowledge of Mr. Dingee's being one of the five persons who had come on board the Pearl, ship of war, belonging to his Britannic Majesty, while they were prisoners there, all of whom having deposed that Mr. Dingee was not one of the persons aforesaid, nor had been on board the said ship of war during the time they were prisoners, to their knowledge or belief,

Thereupon the Council are unanimously of opinion that the suspicion of Mr. Dingee's being one of the persons who had come on board the British ship of war aforesaid during the time the witnesses aforesaid were prisoners is groundless.

*Ordered*, That Mr. Dingee take his seat as a member of this House.

The committee appointed to confer with a committee of the House of Assembly on the subject matter of a device for and

be used instead thereof *pro tempore*, brought in their report,

Which was read and referred for consideration.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., January 18th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair divers resolutions of that House for concurrence, as follows, to wit :

“IN THE HOUSE OF ASSEMBLY,  
“FRIDAY, A. M., January 17th, 1777.

“*Resolved, N. C. D.*, That Mr. McKean be a committee to  
“employ skillful workmen to make a silver seal of the diameter  
“of three inches and of a circular form, and that there be en-  
“graven thereon a Sheaf of Wheat and an ear of Indian Corn,  
“and an Ox, in full stature, in a shield with a river dividing the  
“wheat sheaf and ear of Indian corn from the Ox, which is to be  
“cut in the nether part of the shield below the river ; that the  
“supporters be an American Soldier, under arms, on the right,  
“and an Husbandman, with a Hoe in his hand, on the left, and  
“that a Ship be the crest ; and that there shall be an inscription  
“round the same, near the edge or extremity thereof, in the  
“words following, in capital letters : “THE GREAT SEAL  
“OF THE DELAWARE STATE,” *with the figures 1777 ;*  
“which shall, from and after the delivery thereof to the President  
“and Commander-in-Chief, be the Great Seal and deemed the  
“Arms of this State.

“*Resolved*, That the Seal of the County of New Castle shall  
“be deemed and held to be the Great Seal of this State *pro tem-*

to the President and Commander in Chief, and no longer.

Which, being read, were concurred in.

*Resolved*, That Mr. Sykes be appointed, together with Mr. McKean, for procuring a new Great Seal as aforesaid.

“IN THE HOUSE OF ASSEMBLY,

“THURSDAY, January 16th, 1777.

“*Ordered*, That Mr. Ridgely and Mr. Horsey be of the Committee for Publick Accounts, appointed at the last sitting of this House, in the room of Messrs. Lockwood and Bradley, who are absent; and that the accounts of the Independent Company and the Militia of this State be referred to the said committee.”

Which, being read, was concurred in.

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, A. M., January 17th, 1777.

“On the report of the committee to whom ten several letters from the Council of Safety, the President of the Congress, &c., &c., were referred,

“*Resolved*, 1, That two chains of fire-rafts be built as soon as possible and laid up in Christiana, or some other convenient harbor, from whence they may be brought to act against the ships of the enemy in case they should attempt to come up the Delaware.

“2. That two hundred barrels of bread, one hundred and forty barrels of beef, and sixty barrels of pork, be ordered to be purchased and deposited at Dover and Wilmington, or in such proper places as the President and Commander-in-Chief of this State shall direct, for the use of the Militia and Continental troops that may be called into action within the same, or that may have occasion therefor on their march elsewhere; and that one ton of powder, two tons of lead, and five hundred stand of arms, be procured as soon as practicable, and secured in the safest and most convenient places, by the President, for the use of this State.

"for and in behalf of the Continent, and lay the same before the  
"respective Houses.

"4. That Mr. Speaker be directed to write a circular letter  
"to each captain in the Delaware Battalion, to transmit forthwith  
"to the General Assembly an account of the number of levies  
"recruited by them on the new establishment.

"5. That Mr. Speaker be directed to write a letter to the  
"President of the Congress, informing him that the persons  
"employed in Pennsylvania under the Congress to buy clothing  
"for the army have purchased up almost all the articles of that  
"kind which were to be had in this State, and therefore it is  
"hoped that they will be pleased to give some direction for the  
"speedy clothing of the Delaware Battalion, as a single company  
"of them will not be able to march without new clothes."

Which, being also read, were concurred in.

*Ordered*, That Mr. Vandyke wait on the House of Assembly  
with their several resolutions aforesaid agreed to by this House.

*Resolved*, That Messrs. Sykes and Vandyke be a committee  
from this House to join a committee of the House of Assembly  
to state an account of expenditures by this State for and in behalf  
of the Continent.

*Ordered*, That Mr. Vandyke deliver a copy of this resolution  
to the House of Assembly.

Adjourned to Friday, the 24th instant.

MONDAY, January 27th, 1777.

Council met. Present the Speaker, Messrs. Vandyke, Cantwell, Sykes, Wiltbank and Polk.

From the inclemency of the weather on Friday last, a quorum of members not attending, all business was postponed to this day.

The Council being informed that Slator Clay, Clerk of this House, is sick, his non-attendance is excused.

Mr. Vandyke reported that he had waited on the House of Assembly with the sundry resolutions of that House, and agreed to by the Council on the 18th instant, and delivered the same according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution and order, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ January 27th, 1777.

“ The House resumed the consideration of the amendments proposed by the Council to the amendments made by this House in the report of the Committee for Publick Accounts, and,

“ On motion,

“ *Resolved*, That the same be recommitted to the said committee, and that the Council be requested to concur therein.

“ *Ordered*, That the orders of this House for arresting Boas Manlove and Thomas Robinson, Esquires, of the County of Sussex, together with the return of the Sergeant-at-Arms thereon, and the letter from the said Thomas Robinson to James Garriger, Esq., be laid before the Council.”

And the member aforesaid delivered, at the same time, the said orders of arrest, with their returns, together with Thomas Robinson's letter, which were read and laid on the table.

report on ~~Public~~ Accounts, proposed by the House of Assembly  
as aforesaid.

Adjourned till to-morrow, 10 o'clock, A. M.

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TUESDAY, January 28th, 1777.

Council met.

*Ordered*, That Mr. Speaker write to Messrs. Collins and Bassett, at the camp in New Jersey, desiring their attendance in Council, if the service they are in will admit.

Several members appointed on committees desiring leave of absence on that account,

Council adjourned till to-morrow morning, 10 o'clock, A. M.

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WEDNESDAY, January 29th, 1777.

Council met.

On motion,

*Ordered*, That a messenger be dispatched with the letters wrote by the Speaker to Col. Collins and Capt. Bassett, members of this House, requiring their attendance if they may consistent with the service they are now in in the army under General Washington.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a letter from the President of Congress, inclosing certain resolutions of Congress, and the following resolution formed thereon, to wit :

“IN THE HOUSE OF ASSEMBLY,  
“TUESDAY, A. M., January 28th, 1777.

“WHEREAS the General Assembly of this State have passed, “at their first meeting this session, a bill entitled ‘An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting the same and other bills of credit ;’ And whereas Mr. Speaker yesterday laid a letter from the President of the Honorable the Congress before the House, together with certain resolutions of Congress respecting the bills of credit heretofore emitted by that honorable body, which are recommended to the several Legislatures of the Thirteen United States of America to be enforced by laws ;

“*Resolved*, That Mr. McKean, Mr. Stout, and Mr. Lea be a committee to confer with a committee of Council respecting the contents of the aforesaid resolutions of Congress, and to report certain additional clauses to the above mentioned bill, for the more effectual supporting the credit of the Continental currency, and also for the preventing and punishing the counterfeiting tickets in the Publick Lottery set on foot by Congress ; and that the Council be desired to appoint a committee to join herein, and to make report as soon as possible.”

Which, being read, were referred for consideration.

The committee to whom the report of the proceedings of the commissioners ordered to repair to camp was referred, now brought in their report thereon, which was read,

And thereupon

*Resolved*, That a Lieutenant Colonel and a Major be appointed to the Battalion now raising in this State to serve during the war, as the same was not done by the commissioners aforesaid ; and that it be recommended to the House of Assembly to join with the Council in such appointment, and that the same be done by a joint ballot of both Houses.

*Resolved*, That a representation be made to General Washing-



granted to Peter Jaquet, as oldest 2d Lieutenant in the battalion aforesaid, who ought to have had a commission and rank in the said battalion as Fifth 1st Lieutenant.

*Resolved*, That Mr. James Tilton's commission as Surgeon to the said battalion, with his letter of resignation, be transmitted to General Washington, that he may appoint another in his stead.

*Ordered*, That the foregoing resolutions, with the report of the commissioners aforesaid and the several papers delivered by them to this House, be sent to the House of Assembly for their consideration and concurrence.

*Resolved*, That the allowance to be made to the commissioners who repaired to camp, by order of the General Assembly, be referred to the Committee for Publick Accounts, to wit: Messrs. Sykes, Dingee, Thompson, Ridgely and Horsey.

*Ordered*, That Mr. Polk wait on the House of Assembly with this and the foregoing resolutions for concurrence.

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EODEM DIE, P. M.

Council met.

Mr. Polk reported that he had delivered the resolutions and papers given him in charge this day to the House of Assembly according to order.

The House resumed the consideration of the resolution of the House of Assembly respecting the appointment of a committee of both Houses to report additional clauses to the bill entitled "An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting the same and other bills of credit," passed at their first meeting this session agreeable to certain resolutions of Congress of the 14th instant,

And thereupon

*Resolved*, That the mode pointed out by the House of Assembly for carrying the resolutions of Congress into execution would, in the opinion of this House, be irregular and productive of confusion. That this business, as also all other acts of legislation, should take their rise in the one House or the other, and, when determined upon, referred to the other House for consideration and concurrence.

*Ordered*, That the following message, drawn up at the table, be transcribed, signed by the Speaker, and sent to the House of Assembly, that is to say :

*Gentlemen :*

The Council have taken into consideration the resolution of your House of yesterday proposing the appointment of a committee of their body, to join a committee named by you, for the framing additional clauses to a bill, passed at our first meeting in this session, entitled "An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting the same and other bills of credit," in consequence of certain resolutions of Congress of the 14th instant, and though we wish to do everything on our part to render those resolutions more effectual within this State, we apprehend the mode pointed out by you for doing so by a joint committee would be irregular and productive of confusion. This business, as also all other acts of legislation, should take their rise in the one House or the other, and, when determined upon, be referred to the other for consideration. We therefore hope you will reconsider your resolution so far as the same relates to the request that the Council should appoint a committee to join the committee of your House in the first stage of this business.

*Ordered*, That Mr. Wiltbank wait on the House of Assembly with this message, and return the resolution of that House, with the President of Congress's letter and the resolutions of Congress referred to in the message, and also the concurrence of this House to the recommitment of the amendments proposed to the report of the Committee for Publick Accounts.

Adjourned till to-morrow morning, 10 o'clock.

Council met.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the order of yesterday.

A member from the House of Assembly, attending at the door, was admitted and returned the resolutions of this House of the 15th instant, with the concurrence of the House of Assembly to all of them except the resolve founded on the resolution of Congress of the 27th of December, recommending the marching of the new levies of this State by companies, and parts of companies, which is suspended until an answer is received from Congress to a letter wrote to them respecting the clothing of the battalion of this State.

On motion, by order,

The bill for ascertaining the salaries and allowances to the officers and persons therein mentioned employed in the Government of this State, and for the providing funds for payment thereof, was read a second time for consideration and debate, and, after some time spent therein, was referred till the afternoon.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

Mr. Wiltbank, being indisposed, has leave of absence till tomorrow.

The House resumed the consideration of the bill for ascertaining the salaries, &c., to officers, &c., and divers amendments being proposed and agreed to, the same were transcribed.

*Ordered*, That Mr. Sykes wait on the House of Assembly with the said bill and the amendments thereto proposed by the Council for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, January 31st, 1777.

Council met.

Mr. Sykes reported that he had waited on the House of Assembly according to the order of yesterday.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a bill "to punish "treasons and disaffected persons, and for the security of the "Government."

Which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, February 1st, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and returned the bill for ascertaining the salaries to officers, &c., with the amendments proposed by this Council, to all of which the House of Assembly agreed except the 3d and 4th; and delivered a bill "of free and general pardon, indemnity and "oblivion."

Which, by order, was read the first time.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill "for supporting "and establishing the bills of credit issued by Congress, &c."

By order read the first time.

Adjourned till Monday morning, 10 o'clock.

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MONDAY, February 3d, 1777.

Council met.

Several of the members attending on committees, adjourned till to-morrow morning.

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TUESDAY, February 4th, 1777.

Council met, and, on motion,

*Ordered*, That Mr. Polk be of the Committee for Publick Accounts, appointed at the late sitting of this House, in the room of Mr. Dingee, who is absent.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., February 5th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and returned the resolution of this Council of the 29th ultimo for the referring of the allowance to be made to the commissioners who repaired to camp to the Committee for Publick Accounts with the concurrence of the House of Assembly thereto; and also returned the three resolutions of this Council of the said day, founded on the report of the committee to whom the proceedings of the said commissioners were referred, to all of which the House of Assembly dissented, and instead thereof propose the following resolution, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, A. M., February 1st, 1777.

“ The House resumed the consideration of the resolutions of  
“ Council on the report of their committee to whom the report  
“ of the commissioners ordered to repair to the camp was re-  
“ ferred, and thereupon

“ *Resolved*, That the two Houses appoint, by joint ballot, all  
“ officers necessary to supply the vacancies in the battalion now  
“ raising in this State to serve during the war, and that the Coun-  
“ cil be requested to concur herein.”

Which, being read, was ordered to lie for consideration.

Adjourned till to-morrow morning.

THURSDAY, February 6th, 1777.

Council met.

Mr. Bassett, having returned from the camp in New Jersey, appeared and took his seat.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair sundry resolutions of that House, founded on a petition from Col. John Jones, of Sussex County : 1st, for the loan of one thousand pounds for five years, without interest, to enable him to erect works for manufacturing salt in this State ; 2d, to take of him ten thousand bushels annually for five years, at the rate of five shillings per bushel ; 3d, to bind Col. Jones to the delivery of three thousand bushels at the least, and not more than the said ten thousand bushels annually, at the rate aforesaid, for the use of the State ; 4th, giving the said Col. Jones the exclusive right of making salt for sale in this State for the term aforesaid on complying with the above conditions ; 5th, empowering the President of the State to draw for the sum to be lent and to take security for the performance of the said conditions, and for the repayment of the money lent at the end of any one year wherein Col. Jones may fail to supply the quantity of three thousand bushels, as aforesaid ; 6th, limiting the time of applying for the draught and giving the security ; to wit :

“ IN THE HOUSE OF ASSEMBLY,  
“ WEDNESDAY, February 5th, 1777.

“ The report of the committee appointed to confer with Col. John Jones, of Sussex County, on the subject matter of his petition, praying the loan of a sum of money to enable him to carry into execution his intention of erecting salt works in this State, &c., was, by order, read the second time, and, being amended, was agreed to, as follows, to wit :

“ *Resolved*, 1. That the sum of one thousand pounds be let by this State upon loan to the said Col. John Jones (the better to enable him to carry into execution his intention of erecting salt works in this State, at or near Indian River, in Sussex

“County,), he, the said John Jones, giving bond, with sufficient sureties, for the payment of that sum at the expiration of five years from the date of said bond.

“2. That for the further encouraging the said Col. Jones in prosecuting his intentions and erecting said works for manufacturing the useful article of salt, this State should engage to purchase or take of him the quantity of ten thousand bushels of salt, at the rate of five shillings per bushel, annually for the space or term of five years, in consideration of which,

“*Resolved*, 3. That the said Col. John Jones ought to engage and bind himself, his executors and administrators, to deliver, for the use of this State, to such person or persons as the President shall appoint, all the salt that by him shall be manufactured or made therein (at the place where the salt works shall be erected), for the space or term of five years aforesaid, at the rate of five shillings per bushel, so that the quantity in any one year during that term does not exceed ten thousand bushels; and that he should be bound and obliged to deliver, in each and every year during the term aforesaid, at the manufactory aforesaid, for the use of this State, the quantity of three thousand bushels of salt, manufactured therein at the rate aforesaid.

“4. That upon the said Col. John Jones complying with the conditions herein before expressed to be by him entered into and performed, that he, the said Col. John Jones, his executors, administrators and assigns, ought to have the exclusive right of making salt in this State for sale for and during the last four years of the term aforesaid; and that he may dispose of and sell to such person or persons as he pleases, and at such prices as he can get, all the overplus salt he shall make after furnishing the State with the aforesaid quantity of ten thousand bushels annually for the term of five years aforesaid.

“5. That the said sum of one thousand pounds be drawn for by the President out of the ten thousand pounds granted by the present General Assembly for the use of the State, under whose direction the bond aforesaid from the said John Jones and his sureties shall be taken, with the further condition that the same shall be payable at the end of any one year during which the said John Jones shall fail to supply the aforesaid quantity of three thousand bushels of salt.



"6. That if the said John Jones shall neglect to make application for the said draught, or to execute his bond on or before the 20th day of April next, that the encouragement proposed to be given to him shall cease."

Which, being read, were ordered to lie on the table for consideration.

The committee appointed to prepare and bring in a bill for the more effectual establishing a Militia in this State laid one on the table, which they submitted to the correction of the House.

On motion,

*Ordered*, That the said bill be read the first time, which was done accordingly.

Adjourned till to-morrow morning.

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FRIDAY, February 7th, 1777.

Council met.

The bill for the more effectual establishing a Militia in this State was read the second time, and, being debated paragraph by paragraph, was referred over till to-morrow.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions, to wit:

"IN THE HOUSE OF ASSEMBLY,  
"FRIDAY, A. M., February 7th, 1777.

*"Resolved*, That it is the opinion of this House that the General Assembly should proceed to the appointment of the Civil Officers of this State, agreeable to the directions of the Constitution, on Monday morning next, in the State House, by joint ballot of both Houses.

*“Resolved*, That Messrs. McKean, Ridgely, Cook, White, and  
“Laws be a committee to confer with a committee of Council for  
“the purpose of adjusting the mode of appointing the officers  
“aforesaid, and that the Council be requested to concur in these  
“resolutions.”

Which, being read, were deferred till to-morrow morning.

Adjourned till to-morrow, 10 o'clock, A. M.

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SATURDAY, February 8th, 1777.

Council met, and resumed the consideration of the bill for the more effectual establishing a Militia in this State, and, after some time spent therein, the same was agreed to.

*Ordered*, That Mr. Polk wait on the House of Assembly with the said bill for their consideration and concurrence.

Mr. Polk, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

On motion,

The resolutions of the House of Assembly of the 7th of February, referred over till this morning, were again read and then concurred in.

*Ordered*, That Mr. Sykes, Mr. Bassett, Mr. Cantwell, Mr. Vandyke, and Mr. Wiltbank be a committee to confer with the committee of the House of Assembly for the purpose of adjusting the mode of appointing the Civil Officers of this State.

*Ordered*, That Mr. Polk wait on the House of Assembly with their resolutions aforesaid agreed to by this House.

Who, being returned, reported that he had delivered the same according to order.

Adjourned to Monday next.

MONDAY, P. M., February 10th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution and order of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,  
“ MONDAY, A. M., February 10th, 1777.

“ The committee appointed to confer with a committee for the purpose of adjusting the mode of appointing the Civil Officers of this State brought in their report, which, by order, was read the first time.

“ On motion, by special order,

“ The same was read the second time, and thereupon,

“ *Resolved*, That the same report be recommitted to the following committee, to wit : Messrs. Moore, Thompson, Jones, Lea, and Robinson, who are hereby appointed to confer with a committee of Council thereon.”

“ EODEM DIE, P. M.

“ *Ordered*, That the proceedings of this forenoon on the report of the committee appointed to confer with a committee of Council for the purpose of adjusting the mode of appointing the Civil Officers of this State, be transcribed and sent to the Council for concurrence, and that Mr. Hill deliver the same.”

Which, being read, was concurred in.

*Ordered*, That Mr. Polk be added to the former committee of Council appointed for this business, and that Mr. Wiltbank wait on the House of Assembly with their resolution aforesaid and the concurrence of Council thereto and the appointment of Mr. Polk.

Mr. Wiltbank reported that he had waited on the House of Assembly and delivered the resolution aforesaid according to order.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., February 11th, 1777.

Council met, and resumed the consideration of the resolution of the House of Assembly of the 5th instant, founded upon a petition of Col. John Jones, of Sussex County, for a loan of a sum of money to enable him to erect salt works in this State, and an exclusive right to make salt for sale on certain conditions for five years, and divers amendments being proposed and agreed to the same were transcribed.

*Ordered*, That Mr. Vandyke wait on the House of Assembly with the resolutions and amendments for their consideration and concurrence.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following report and order thereon, to wit :

“IN THE HOUSE OF ASSEMBLY,  
“MONDAY, P. M., February 10th, 1777.

“The Committee of the General Assembly of Delaware, appointed for the purpose of settling and adjusting the accounts of the Officers and Privates of the Second Delaware Battalion, raised for the Flying Camp, previous to their being passed by the Commissary of Musters, do report that they find :

The amount of Colonel Samuel Patterson's account, for pay and subsistence since the time aforesaid, to be . . . . .	£	47	12	0
The amount of Lieut. Col. Robert Hodgson's account, for do. same time, to be . . . . .		38	13	2
The amount of Major Henry Niell's account is . . . . .		32	16	0
The amount of the Rev'd Samuel Eakin, Chaplain's account, is . . . . .		32	16	0
The amount of James Lukes, Adjutant's acc't, is . . . . .		24	17	3
<i>Carried over,</i> . . . . .	£	176	14	5

<i>Brought over,</i> . . . . .	£ 176 14 5
The amount of John Watson, Quartermaster's account, is . . . . .	16 18 6
The amount of James Tate, Surgeon's account is . . . . .	31 11 0
The amount of Edward Duff's account, Surgeon's mate, is . . . . .	16 14 4
The amount of William Millan, Paymaster's account. is . . . . .	24 17 3
The amount of Capt. Thos. Kean's account of pay and subsistence of his company officers and privates for the time aforesaid is . . . . .	338 18 10
The amount of Capt. James Dunn's account of same is . . . . .	302 6 5½
The amount of Capt. William Moody's account of same is . . . . .	339 16 2
The amount of Capt. Manlove's account of same is . . . . .	395 15 7
The amount of Capt. Jos. Caldwell's account of same is . . . . .	339 6 11
The amount of Capt. John Woodgate's account of same is . . . . .	314 0 2
The amount of Capt. Nathaniel Mitchell's account of same is . . . . .	179 6 2½
	<hr/>
	*£ 2485 6 8

"Your committee do further report that the several accounts of particulars of the above mentioned separate sums, amounting in the whole to two thousand four hundred and eighty-five pounds six shillings and eight pence, are herewith returned for the examination and correction of the General Assembly. The account of Capt. Thomas Skillington's company has not yet come before your committee."

"The foregoing report being read the second time and considered, passed the House.

"*Ordered,* That the same be transcribed and sent to the Council for their concurrence, and that Mr. Stout deliver the same, together with the accounts therein referred to."

Which was read and ordered to lie on the table for consideration.

\* So in the manuscript.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the report of the joint committee of both Houses for adjusting the mode of appointing the Civil Officers of this State, and a resolution of the House of Assembly respecting the choice of two Delegates to represent this State in Congress for concurrence of the Council.

Which, by order, were read, and some amendments being proposed and agreed to, the same were transcribed.

*Ordered*, That Mr. Vandyke wait on the House of Assembly with the said report and resolution, and the amendments thereto proposed by the Council for their consideration and concurrence.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M., February 11th.

Council met, and took into consideration the third and fourth amendments proposed by them to the House of Assembly to the bill "for ascertaining the salaries, &c., to officers, &c.," and do recede from the same, and do agree that the said bill, as it now stands, be enacted into a law.

*Ordered*, That Mr. Polk wait on the House of Assembly with the bill and resolution aforesaid.

Mr. Polk reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the resolutions respecting the loan of one thousand pounds, &c., to Col. John Jones to enable him to erect salt works in this State, with the amendments pro-

posed by this House, to all of which the House of Assembly agreed except the 6th ; and also returned the report of the joint committee for adjusting the mode of appointing the Civil Officers of this State, &c., and resolution respecting the choice of two Delegates, with the amendments proposed by this House, to which the House of Assembly also agreed except the 2d.

On motion,

*Resolved*, That the said second amendment proposed by the Council be receded from.

Which report and resolution, as amended and now agreed to, is as follows, to wit :

“The committee to whom was recommitted the report of a conference with a committee of the Council for the purpose of adjusting the mode of appointing the Civil Officers of this State met the said committee of Council and agreed upon the following report, to wit :

“That the members of both Houses should meet this afternoon in the State House, when each member may propose a person for President, and, when all are nominated, that their names be taken down in writing and left on the table for the perusal and consideration of the members of both Houses. The said committees further agreed that the election for President should be held at the same place in the afternoon of the morrow, when the persons nominated for President shall be balloted for by writing his or their names on several pieces of paper, and the person who has the greatest number of voices (provided he has a majority of the votes of members present) shall be President ; and in case it should happen that no person nominated should have a majority of votes of the members present, then and in such case the two highest in vote shall be balloted for again. But if it should so happen that two or more persons next to the highest should be equal in vote, then the said two or more persons shall be voted for again, and the person who has the greatest number of voices of those last mentioned shall be balloted for as aforesaid together with the person who was highest in vote upon the first election, and the person who is highest in vote of those two last mentioned persons shall be President ; but if the votes be equal, in such case the Speaker of the Council shall have an additional casting voice.

“The said committee further agreed that the persons suitable for the Judges of the Supreme Court, Judge of the Admiralty, the Justices of the Common Pleas, and the Commissioners for the Continental Loan Office for this State, may be proposed by any member on the day last aforesaid, who are to be chosen in manner above directed on some future day, to be agreed upon by both Houses.

*Resolved*, That the members of both Houses, when assembled together to-morrow afternoon, shall propose the names of persons to be chosen as two of the Delegates in Congress, in the stead of John Dickinson and John Evans, Esquires, in the method proposed respecting the President; and that such Delegates be elected at such time and place and in the same manner that the Justices of the Supreme Court are above directed to be elected.”

*Ordered*, That Mr. Vandyke wait on the House of Assembly with the concurrence of Council to the foregoing report and resolution, and inform that House that the Council will attend in the State House in half an hour to propose a person for President of this State.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

The Council proceeded to the State House and there met the House of Assembly, when divers persons were put in nomination for the office of President and their names taken down for the consideration of the members of both Houses.

Then the Council adjourned till to-morrow morning, 10 o'clock.



WEDNESDAY, A. M., February 12th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled "An act against Desertion and harbouring Deserters, or dealing with them in certain cases," for the consideration and concurrence of the Council.

Which, by order, was read the first time.

On motion, by order,

The "bill to punish treasons and disaffected persons and for the security of the Government," was read the second time, and, after some time being spent therein, was postponed for further consideration.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a letter from the President of Congress requesting an immediate representative from this State.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

A member from the House of Assembly, attending at the door, was admitted and informed the Council that the House of Assembly is now ready to proceed to the election of a President for this State, agreeable to the joint resolution of yesterday, and then he withdrew.

The Council met the House of Assembly in the State House, and there, in General Assembly, proceeded to the election of a President for the State, and the members of both Houses, to wit: seven of the Council and sixteen of the House of Assembly, then present, having prepared tickets with the name of the President to be appointed and put the same into the ballot-box, the Speakers of the two Houses, in the presence of the other members, examined the ballot-box, and it appearing that nineteen votes, out of the twenty-three put into the said box, were in favor of the Honorable John McKinley, Esquire,

Whereupon the said John McKinley is declared duly elected President of this State for the term of three years next ensuing, and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the present Constitution or system of government.

Then divers persons were put in nomination as suitable for the respective offices of Justices of the Supreme Court for the State, Judge of Admiralty, Justices of the Common Pleas and Orphans' Courts for each County, and for Commissioner of the Continental Loan Office for this State, and for Delegates in Congress in the stead of John Dickinson and John Evans, Esquires.

The Council then adjourned till 10 o'clock to-morrow morning.

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THURSDAY, A. M., February 13th, 1777.

Council met, and resumed the consideration of the "bill to punish treasons and disaffected persons, &c.," and divers amendments being proposed and agreed to, the same were transcribed.

*Ordered*, That Mr. Wiltbank wait on the House of Assembly with the said bill and the amendments thereto proposed by this House for their consideration and concurrence.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the order aforesaid.

The House took into consideration the "bill for supporting and establishing the Bills of Credit issued by Congress, &c.," which, by order, was read the second time and deferred for further consideration.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., February 14th, 1777.

Council met, and resumed the consideration of the "bill for supporting and establishing the Bills of Credit issued by Congress, &c.," and after some time spent therein the same was deferred till the afternoon.

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EODEM DIE, P. M.

Council met.

Mr. Collins, having returned from the camp in New Jersey, appeared, but being indisposed prayed leave of absence. The same was granted.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a letter from the Commissary General of Clothing, with the following resolution relative thereto, to wit :

“IN THE HOUSE OF ASSEMBLY,  
“FRIDAY, A. M., February 7th, 1777.

“On motion,

“*Resolved*, That the Captains Kirkwood and Anderson march  
“their companies forthwith to the City of Philadelphia, in order  
“that they may be clothed as speedily as possible.”

And returned the bill entitled “An act for the better establishing the Militia,” with sundry amendments thereto, proposed for consideration and concurrence of the Council,

Which were read and ordered to lie on the table.

The bill for supporting and establishing the Bills of Credit issued by Congress, under consideration in the forenoon, was resumed, and divers amendments being proposed and agreed to, the same were transcribed.

*Ordered*, That Mr. Wiltbank wait on the House of Assembly with the said bill and the amendments thereto proposed for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, February 15th, 1777.

Council met, and took into consideration the resolution of the House of Assembly respecting the march of the Captains Kirkwood and Anderson, which, being read, was concurred in.

*Ordered*, That Mr. Wiltbank wait on the House of Assembly with their resolution aforesaid and letter from the Commissary General relative thereto, with the concurrence of Council, and return to that House the resolutions of Congress of the 14th January, recommending it to the different Legislatures to enact laws preventing the counterfeiting the Continental Bills of Credit, &c.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the orders aforesaid.

On motion, by order,

The bill entitled "An act against Desertion and harbouring Deserters, &c.," was read the second time, and divers amendments being proposed and agreed to, the same were transcribed.

*Ordered*, That Mr. Wiltbank wait on the House of Assembly with the said bill and amendments thereto proposed for their consideration and concurrence, who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till Monday morning, 10 o'clock.

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MONDAY, A. M., February 17th, 1777.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled "An act against Desertion and harbouring Deserters, &c.," with the amendments thereto proposed by this House, to all of which the House of Assembly had agreed. And the bill entitled "An act for supporting and establishing the Bills of Credit issued by Congress, &c.," with the amendments proposed by this House, to which the House of Assembly had also agreed.

And the same member delivered at the Chair a "bill for aiding the discontinuance of the process in the Supreme Court, and for altering the times of holding the said Court and the Courts of General Quarter Sessions and Common Pleas." And a bill intitled "An act to render parts of divers Acts of Assembly and certain law proceedings more conformable to the present Constitution."

Which were laid on the table.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The House resumed the consideration of the bill entitled "An act for the better establishing the Militia," as returned by the House of Assembly with the amendments thereto proposed, and divers amendments being made to the amendments proposed by the House of Assembly, the same were agreed to and ordered to be sent to the House of Assembly for their concurrence.

*Ordered*, That Mr. Vandyke wait on the House of Assembly with the said bill and amendments, also a message assigning the reasons for rejecting the first amendment proposed to said bill.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, A. M., February 18th, 1777.

Council met, and took into consideration the 6th amendment proposed by them to the 4th resolution of the House of Assembly respecting the granting to Col. Jno. Jones, on certain conditions, an exclusive right to make salt in this State for sale for five years, &c., and do adhere to the same.

On motion,

*Ordered*, That a committee be appointed to draw up a message to the House of Assembly assigning the reasons for adher-

ing to the 6th amendment proposed to the resolution aforesaid, and Messrs. Vandyke and Bassett were appointed for that purpose.

The committee appointed to draw up a message to the House of Assembly laid one on the table, which was read, and, after some amendments made, was transcribed, signed by the Speaker, and is as follows :\*

*Ordered*, That Mr. Bassett wait on the House of Assembly with the said message.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

The bill entitled "An act of free and general pardon, indemnity and oblivion," was read the second time and postponed for further consideration.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled "An act for the better establishing the Militia," with the concurrence of the House of Assembly to the amendments proposed by the Council to the amendments proposed by the House of Assembly, and the consent of that House to recede from their first amendment proposed to the said bill, and the amendments proposed and concurred in as aforesaid being made in the bill, ordered that the same be engrossed.

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\* This message does not appear to have been placed on record.

The bill "for aiding the discontinuance of the process in the Supreme Court, and for altering the times of holding the said Court and the Courts of General Quarter Sessions and Common Pleas," was, by order, read the 1st time.

On motion, by order,

The bill entitled "An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution," was also read the first time.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution, to wit :

" IN THE HOUSE OF ASSEMBLY,  
" TUESDAY, P. M., February 18th, 1777.

" On motion,

" *Resolved*, That it is the opinion of this House that the General Assembly should proceed to the choice of the remaining Civil Officers of this State, who are in nomination, on Thursday morning next, and that the Council be requested to concur herein."

Which was read and ordered to lie on the table for consideration.

Adjourned till to-morrow morning, 10 o'clock.



WEDNESDAY, A. M., February 19th, 1777.

Council met.

On motion and order,

The bill for aiding the discontinuance of the process of the Supreme Court, and for altering the times of holding the said Court and the Courts of General Quarter Sessions and Common Pleas, was read a second time and agreed to by the Council.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the votes and proceedings of that branch of the Council of Safety for New Castle County since their appointment in November last, together with the following resolution of that House, to wit :

“IN THE HOUSE OF ASSEMBLY,

“TUESDAY, P. M., February 18th, 1777.

“The House resumed the consideration of the votes and proceedings of that branch of the Council of Safety residing in the County of New Castle (since the last sitting of the General Assembly), and, after some time spent therein, the same were approved of ; and as to that part of the said proceedings which relates to the application of the Militia who marched from this State to join the Continental army respecting a bounty therefor,

“*Resolved*, That every non-commissioned officer and private that marched from this State to join General Washington, and who remained in service for the space of six weeks from the time of marching until such person was regularly discharged by order of the General, shall be allowed a bounty of six dollars.”

On motion and order,

The votes and proceedings of that branch of the Council of Safety residing in the County of New Castle, with the resolution of the House of Assembly aforesaid, were severally read, and the

same being taken into consideration, the same votes and proceedings were generally approved of by Council and the said resolution concurred in.

On motion and order,

The Council resumed the consideration of the bill entitled "An act of free and general pardon, indemnity and oblivion," and the same being again read was unanimously rejected.

Mr. Speaker laid on the table a memorial from himself, as one of the Delegates from this State to Congress, representing that such is the state of his private affairs at present that it will be very injurious to him to give his attendance in Congress for some months to come, which may, with just reason, be expected by the General Assembly, therefore he prayed leave to resign his seat in Congress.

Which, by order, was read and postponed for consideration.

It appearing to the Council that Boaz Manlove, late of Sussex County, doth retain in his hands the sum of three hundred and eighty pounds, part of the Sussex County quota of the Bills of Credit ordered to be emitted by an Act of Assembly passed in the year of our Lord one thousand seven hundred and seventy-five, entitled "An act for emitting the sum of Thirty Thousand Pounds in Bills of Credit on loan, and providing a fund for payment of Public Debts," and deposited in his hands as one of the signers of the bills,

On motion, leave is granted to bring in a bill for the recovery of the aforesaid sum of three hundred and eighty pounds, with interest from the first day of April last past, and thereupon Mr. Bassett delivered a bill for the purpose aforesaid at the table, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The resolution of the House of Assembly of yesterday respecting the choice of the remaining civil officers on Thursday morning next was taken into consideration, and, on motion, the following message, drawn up at the table, was transcribed, and, by order, signed by the Speaker, to wit :

"A MESSAGE FROM THE COUNCIL TO THE HOUSE  
"OF ASSEMBLY.

*"Gentlemen :*

"The Council having taken into consideration the resolution  
"of the House of Assembly for the choice of the remaining Civil  
"Officers of this State on Thursday morning next, are of opinion,  
"upon a review of the other business before them, that the time  
"of choosing those officers had better be postponed till Friday  
"morning next, and wish that that time may be approved of by  
"the House of Assembly."

The bill against Desertion and harbouring of Deserters, &c., and the bill for the supporting and establishing the Bills of Credit issued by Congress, &c., being severally examined and compared with the amendments proposed by the Council, and the same appearing to have been severally made and entered in the said bills, the Council consent that the said bills be enacted into laws.

*Ordered,* That Mr. Sykes wait on the House of Assembly with the message aforesaid and the two last mentioned bills, together with the bill for aiding the discontinuance of the process of the Supreme Court.

Mr. Sykes, being returned, reported that he had waited on the House of Assembly and delivered the papers given to him in charge according to order.

On motion, by special order,

The bill for the recovery of a sum of money due from Boaz Manlove to this State was read a second time, and, after some amendments made, passed this House, and ordered to be sent to the House of Assembly for their concurrence.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a written message from the Assembly, in answer to the message from the Council containing their reasons for adhering to their amendment of the 4th resolution of the House of Assembly for granting to Col. Jones, on certain conditions, an exclusive right to make salt in this State for sale for five years, and the same being read was laid on the table.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,  
“ WEDNESDAY, A. M., February 19th, 1777.

“ On motion,

“ *Resolved*, That Mr. Thompson, Mr. Jones, and Mr. Robinson be a committee to join Messrs. Sykes and Vandyke, a committee of Council, to state an account of expenditures by this State for and in behalf of the Continent.”

Which was read and approved.

The member from the Assembly aforesaid also delivered at the Chair the concurrence of the House of Assembly to the proposal made by the Council in their message of this day for postponing the choice of the remaining civil officers of this State till Friday morning next.

On motion,

*Ordered*, That Mr. Wiltbank wait on the House of Assembly with the bill entitled “An act of free and general pardon, indemnity and oblivion,” and inform that House that the said bill is rejected by the Council.

And with the bill for the recovery of a sum of money due from Boaz Manlove to the Delaware State, for their perusal and concurrence.

And with the votes and proceedings of the Council of Safety of New Castle County, with the resolutions of the House of Assembly thereon, and for a bounty to be allowed to such of the Militia as marched and served six weeks, &c., with the approbation and concurrence of Council.

And with the orders of the House of Assembly for arresting Boaz Manlove and Thomas Robinson, and the Sergeant-at-Arms' return thereon, and the letter from the said Thomas Robinson to James Garrigen, Esq.

And with the approbation of Council to an appointment of the Committee for Publick Expenditures.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, 20th February.

Council met, and took into consideration the written message from the House of Assembly of yesterday respecting the grant of an exclusive right, on certain conditions, to Col. Jones to make salt in this State for sale for the term of five years, and some time being spent thereon, the following message, being drawn up at the table, was agreed to, and transcribed and ordered to be signed by the Speaker : \*

A member from the House of Assembly, attending at the door, was admitted and returned the bill for the recovery of a sum of money due from Boaz Manlove to the Delaware State, with a

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\* The message is not recorded in the minutes.

paper of amendments proposed by the House of Assembly thereto, which, being read and considered, were agreed to, and being made in the bill the same were ordered to be engrossed.

On motion and order,

The bill entitled,

“An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution,”

Was read a second time, and several amendments proposed being agreed to, the bill, with the amendments, were ordered to be returned to the House of Assembly for their consideration and concurrence.

*Ordered*, That Mr. Bassett wait on the House of Assembly with the last bill and its amendments and the foregoing message from the Council.

Mr. Bassett, being returned, reported that he had delivered the same according to order.

The Militia bill being engrossed was read and compared at the table and ordered to be sent to the House of Assembly for their examination.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, February 21st, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution, to wit :

" IN THE HOUSE OF ASSEMBLY,  
" FRIDAY, A. M., February 21st, 1777.

" On motion,

" *Resolved*, That the Prothonotary of the Court of Common Pleas for the County of New Castle do deliver the seal of the said county, used in his office, unto the Honorable the Speaker of the Council, the same seal being established as the Great Seal of this State until a new one is made and delivered to the President and Commander-in-Chief; and then it is ordered that the seal aforesaid be redelivered to the Prothonotary."

Read and concurred in.

*Ordered*, That Mr. Sykes wait on the House of Assembly with the above resolution and concurrence of Council thereto.

Mr. Sykes, being returned, reported that he had waited on the House of Assembly according to order.

The Council, according to the order of the day, met the President of the State and the House of Assembly in the State House, and the President and members of both Houses having prepared tickets with the names of the Justices of the Supreme Court to be appointed for the State and put the same into the ballot-box, the Speakers of the two Houses, in presence of the President and the members, examined the ballot-box, and it appearing that there was a majority of votes in favor of Richard M. William, Esquire, as Chief Justice of the said Court, and a majority of votes in favor of Cæsar Rodney, Esquire, as second Justice of the said Court, and a majority of the votes in favor of James Sykes, Esquire, as third Justice of the said Court,

Thereupon the said Richard M. William, Cæsar Rodney, and James Sykes are declared duly elected and appointed Justices of the Supreme Court for the State.

Then the President and members of both Houses proceeded, in like manner, to ballot for a Judge of Admiralty, and it appearing that there was a majority of votes in favor of Nicholas Vandyke, Esquire,

Thereupon the said Nicholas Vandyke is declared duly elected and appointed Judge of Admiralty.

Then the President and members of both Houses proceeded, in like manner, to ballot for Justices of the Courts of Common Pleas and Orphans' Courts for the County of New Castle, and it appearing that the votes were unanimously in favor of John Jones, Esquire, as Chief Justice of the said Courts ; James Latimer, Esquire, as second Justice ; John Thompson, Esquire, as third Justice, and Abraham Robinson, Esquire, as fourth Justice of the said Courts,

Thereupon the said John Jones, James Latimer, John Thompson, and Abraham Robinson are declared duly elected and appointed Justices of the Court of Common Pleas and Orphans' Court for New Castle County.

Then the President and members of both Houses proceeded, in like manner, to ballot for Justices of the Courts of Common Pleas and Orphans' Court for the County of Kent, and it appearing that the votes were unanimously in favor of Thomas Tilton, Esquire, as Chief Justice; John Clark, Esquire, as second Justice; Richard Smith, Esquire, as third Justice, and Thomas White, Esq'r, as fourth Justice of the said Courts,

Thereupon the said Thomas Tilton, John Clark, Richard Smith, and Thomas White are declared duly elected and appointed Justices of the Courts of Common Pleas and Orphans' Courts for Kent County.

Then the President and members of both Houses proceeded, in like manner, to ballot for Justices of the Courts of Common Pleas and Orphans' Courts for the County of Sussex, and it appearing that twenty votes, of the twenty-one persons voting, were in favor of John Wiltbank, Esquire, as Chief Justice of the said Courts ; and the votes were unanimously in favor of William Polk, Esquire, as second Justice, and of John Laws, Esquire, as third Justice, and that there was a majority of the votes in favor of Isaac Smith, Esquire, as fourth Justice of the said Courts,

Thereupon the said John Wiltbank, William Polk, John Laws, and Isaac Smith are duly declared elected and appointed Justices of the Courts of Common Pleas and Orphans' Courts for Sussex County.

Then the President withdrew, and the members of both Houses proceeded, in like manner, to ballot for a Commissioner of the



Continental Loan Office for this State, and it appearing that the votes were unanimously in favor of Samuel Patterson, Esq'r,

Thereupon the said Samuel Patterson is declared duly elected and appointed Commissioner of the Continental Loan Office for this State.

Then the members of both Houses proceeded, in like manner, to ballot for two Delegates to serve in Congress in the stead of John Dickinson and John Evans, Esquires, and it appearing that there was a majority of votes in favor of Nicholas Vandyke and James Sykes, Esquires,

Thereupon the said Nicholas Vandyke and James Sykes are declared duly chosen and appointed Delegates to represent this State in Congress in the stead of John Dickinson and John Evans.

Then the members of the two Houses proceeded also to the choice of Military Treasurers, and it appearing that the following gentlemen were unanimously elected, to wit : Samuel Patterson, Esq'r, for the County of New Castle ; John Banning, Esq'r, for the County of Kent, and John Rodney, Esq'r, for the County of Sussex, thereupon they are declared duly appointed to the said office.

Then the Council adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

The bill for the recovery of a sum of money due from Boaz Manlove to the Delaware State, being engrossed, was read and compared at the table and ordered to be sent to the House of Assembly for their examination.

*Ordered*, That Mr. Vandyke wait on the House of Assembly with the said bill, and also the bill for the better establishing a Militia in this State.

Mr. Vandyke, being returned, reported that he had waited on the House of Assembly according to order.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., February 22d.

Council met.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled "An act to punish treasons and disaffected persons, &c.," with the amendments proposed by the Council, to all of which the House of Assembly concurred except the 5th, 7th, 8th, 11th and 13th. As to the 14th they propose two amendments. Also the bill entitled "An act to render parts of divers Acts of Assembly and certain law proceedings more conformable to the present Constitution," with the amendments proposed by this House, to all of which the House of Assembly agreed except the 1st.

On motion,

*Ordered*, That the following message, drawn up at the table, be transcribed, signed by the Speaker and sent to the House of Assembly, to wit :

*Gentlemen :*

As you have rejected the first amendment proposed to the bill entitled "An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution," without assigning the reasons of your dissent, and the Council still retaining their opinion that the amendment is a

necessary one to make the recital, in which the amendment is proposed, correspond with the enacting clause providing the remedy, either the one or the other requires an amendment; therefore, to save time, as the session is so near a conclusion, the Council do propose to the House of Assembly a conference of two or more members from each House upon the subject matter of this amendment. •

*Ordered*, That Mr. Bassett wait on the House of Assembly with said message.

Who, being returned, reported that he had delivered the message according to order.

The committee appointed to confer with a committee of Assembly on the subject matter of settling and adjusting the accounts of the officers and privates in the 2d Delaware Battalion of the Flying Camp, commanded by Col. Samuel Patterson, from the time of their enlistment to their being passed by the Commissary of Musters, brought in their report with respect to Thomas Skillington's account, unsettled at a former meeting of said committee, which, by order, was read, and follows in these words, to wit :

“The committee of Council appointed to confer with a committee of Assembly on the subject matter of settling and adjusting the accounts of the officers and privates in the 2d Delaware Battalion of the Flying Camp, commanded by Col. Samuel Patterson, from the time of their enlistment to their being passed by the Commissary of Musters, at Philadelphia, do report that they met the committee of Assembly to settle and adjust the account of Captain Thomas Skillington, who commanded a company in said battalion (which, by a former report of said committee is mentioned not to have been laid before them at their first meeting), and they find the amount of the same, for pay, subsistence, inlisting, and other charges, specified in an account of particulars herewith returned, to be £365 : 9 : 11, which your committee submit to the examination and correction of Council. And your committee do further report it as their opinion that a committee of 3 persons be appointed, two by the House of Assembly and one by the Council, in each county, to settle what sum of money is due to each private in the battalion aforesaid, as well for his service

“from the time of passing muster, at Philadelphia, as for his pay  
 “and subsistence from his enlistment to the time of muster afore-  
 “said ; and that such settlements ought to be made by the said  
 “committee, respectively, in presence of the captains and pri-  
 “vates, or their representatives, from time to time, upon 8 days’  
 “notice given of the time and place of meeting by advertise-  
 “ment.”

The foregoing report being read the 2d time and considered,  
 passed the Council.

*Ordered*, That the same be transcribed and sent to the House  
 of Assembly for their concurrence.

The report of the same committee as to the other accounts of  
 the same battalion, passed by the House of Assembly the 10th  
 instant, was, by order, read a 2d time and concurred in by the  
 Council.

*Ordered*, That Mr. Wiltbank deliver the said several reports,  
 together with the accounts therein referred to, to the House of  
 Assembly.

Who, being returned, reported that he had waited on the  
 House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door,  
 was admitted and returned the resolutions of that House respect-  
 ing Col. Jones’s petition for an exclusive right to make salt, &c.,  
 with the amendments thereto proposed by the Council, also an  
 amendment proposed by the House of Assembly to their 4th  
 resolution, and delivered the resolutions following, to wit :

“IN THE HOUSE OF ASSEMBLY,  
 “SATURDAY, A. M., February 22d, 1777.

“On motion,

“*Resolved*, That the Speakers of both Houses be requested  
 “to write to General Washington, informing him of the receipt  
 “of his letter of the 31st of January last ; that in consequence  
 “thereof the Legislature of this State have passed an ‘An act  
 “against desertion and harbouring deserters, or dealing with  
 “them in certain cases,’ which they flatter themselves will an-  
 “swer the intended purpose.

“That the General Assembly have been informed that Col. Bedford and Major McDonough decline going into the service of the army.

“That the recruiting of the Delaware Battalion goes on very slowly, occasioned, as is apprehended, by the want of the vacancies of officers in the said battalion being filled up, and the great number of parties from other States now recruiting in this.”

“IN THE HOUSE OF ASSEMBLY,  
“SATURDAY, A. M., February 22d, 1777.

“On motion,

“*Resolved*, That the President be and he is hereby impowered and directed to issue his proclamation for continuing all officers, civil and military, in this State, in the full exercise of their respective offices, according to the present Constitution, until superceded by new appointments.”

Also, the following verbal message, to wit :

“VERBAL MESSAGE TO THE COUNCIL FROM THE ASSEMBLY.

“The House of Assembly have concurred in your proposition for appointing conferees respecting the 1st amendment proposed to the bill entitled ‘An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution,’ and have appointed Jacob Moore and Charles Ridgely, Esquires, for that service.”

On motion,

*Ordered*, That Messrs. Sykes and Bassett be a committee on the part of this House for the purpose aforesaid.

A member of the House of Assembly, attending at the door, was admitted and delivered to the Chair the following orders, to wit :

“IN THE HOUSE OF ASSEMBLY,  
“SATURDAY, A. M., February 22d, 1777.

“The House resumed the consideration of the petition from Robert Burton, Leatherberry Barker, William Bagwell, and

“William Milby, inhabitants of this State, now prisoners in the  
“goal of Philadelphia, and thereupon

“*Ordered*, That the same be referred to the President and  
“Commander-in-Chief, who is requested to write to the Council  
“of Safety of Pennsylvania to permit the petitioners to be  
“brought into this State, as well as any other subject of this  
“State who may be now confined, by their order, for any State  
“offence, except against the State of Pennsylvania, to be dealt  
“with according to law.”

“IN THE HOUSE OF ASSEMBLY,  
“FRIDAY, P. M., February 21st, 1777.

“The report of the Committee on Publick Accounts was, by  
“order, read the 2d time and agreed to except the 4th article  
“thereof, which was recommitted to the same committee.”

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

The committee appointed to confer with a committee of the House of Assembly respecting the 1st amendment proposed by the Council to the bill entitled “An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution,” now report that they had met the committee of conferees and agreed on certain amendments necessary to be made in the said bill, and that they had delivered the same bill to the committee, that the amendments agreed to might be made in the House of Assembly, which this House approves.

A member from the House of Assembly, attending at the door was admitted and returned the bill aforesaid with the concurrence of the House to the amendments made and agreed to by the committee of conferees.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the bill entitled "An act for printing and emitting £15,000 in Bills of Credit of this State to be let out on loan, and for striking the further sum of £10,000 in such bills for the use of this State and for providing a fund for sinking the same," with divers amendments thereto proposed, for the consideration and concurrence of Council.

Also, the following resolution, to wit :

"IN THE HOUSE OF ASSEMBLY,  
"SATURDAY, P. M., February 22, 1777.

"*Resolved*, That the President, or Commander-in-Chief, be "impowered to draw on the Trustees of the Loan Office for this "State, or any of them, for such sums as have been agreed by "the General Assembly to be due to any person or persons upon "the reports of the committee on accounts liquidated, he taking "receipts for said draughts, out of the sum of £10,000 to be "struck and given for the defence and use of this State in pursu- "ance of an act, passed this session, entitled 'An act for printing "and emitting £15,000 in Bills of Credit of this State to be let "out on loan, and for striking the further sum of £10,000 in "such bills for the use of this State and for providing a fund for "sinking the same.'"

The Council took into consideration the amendments proposed by them to the House of Assembly to the bill entitled "An act to punish treasons and disaffected persons, &c.," and the amendment proposed to the 14th amendment, and do adhere to the same ; as to the amendments proposed concurred in.

On motion,

*Ordered*, That a committee be appointed to draw up a message to the House of Assembly assigning the reasons for adhering to their amendments proposed to the bill aforesaid, and Messrs. Sykes and Bassett were appointed for the purpose.

The committee appointed to draw up a message to the House of Assembly laid one on the table, which was read, and, after some amendments made, transcribed and signed by the Speaker, and is as follows, to wit :

*Gentlemen :*

The Council have reconsidered the several amendments proposed by them to the bill entitled "An act to punish treasons and disaffected persons, and for the security of the Government," and not agreed to by the House of Assembly, and do adhere to them severally for the following reasons, that is to say :

As to their 5th amendment, for that the word High, proposed to be struck out in the amendment, is not used in the Statute of 25th of Edward the 3d, stiled the Statute of Treason in Great Britain, the form whereof is evidently made the basis of the present clause, and justly so, as that statute hath been esteemed a good and equitable law between the governor and governed, and the construction thereof clearly ascertained.

As to their 7th amendment, for that it tends to take off the dangerous consequences attending the misconstruction of words or expressions used in common conversation, and preserves freedom of speech and privilege of freemen, whereas the clause to which this amendment is proposed, in the opinion of the Council, will encourage a race of informers, the pest of society, and who always were the engines of tyrants in every State. It is to be hoped that the just cause in which all America is embarked is not to be injured by the speeches of rash, foolish or wicked individuals, or at least they are not to be so much apprehended as the effects of so dangerous a precedent in the infancy of our Government.

The 8th amendment is adhered to as a consequence of the 7th.

As to their 11th amendment, for that, they are of opinion, an increase of the fine and time of imprisonment would equally tend to prevent a breach of the law, and the execution thereof by no means be so disagreeable to humanity. It is frequently found, by experience, that ignominious and disgraceful punishment hardens more offenders than they reclaim.

As to their 13th amendment, because they do conceive that the oath or teste prescribed in the system of government, and recited in this clause, contains, in substance, the whole of the additional teste proposed in the bill, and the Council apprehend it would be wrong, without some evident necessity, thus early to add or



diminish from that form held out to the people, more especially as the teste prescribed in the system of government, and no other, was taken by the members of the General Assembly, who are in the first department in the State, with whom the people have intrusted their lives, liberties and properties. The Council therefore cannot think it necessary that those persons who are to fill the inferior departments should be obliged to take any other.

These reasons weigh strongly with the Council. Many others might be adduced ; but they flatter themselves that when the House of Assembly review the parts of the bill particularly objected to they will adopt the amendments proposed by the Council.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolutions, to wit :

“ IN THE HOUSE OF ASSEMBLY,  
“ SATURDAY, P. M., February 22d, 1777.

“ The House took into consideration the state of the Fort on  
“ Xtiana River, in the Borough of Wilmington, together with the  
“ publick powder and other military stores kept in the magazines  
“ in the said fort, and, on motion,

“ *Resolved*, That the said fort, together with the powder and  
“ other military stores be put under the command and care of a  
“ Fort Major, two Sergeants and twelve privates, to be immedi-  
“ ately raised, paid and supported at the expense of the State,  
“ until discharged by the General Assembly thereof.

“ That the pay of the said troops per kalender month be as follows :

“ To { Fort Major, 18 dollars.  
“ { Each Sergeant, 8 dollars.  
“ { “ Private, 5 “

“ That in lieu of rations, each person be allowed 10s. per week  
“ for his subsistence, and the commanding officer to have double  
“ that sum.

“ *Resolved*, That Capt. Ralph Walker, of the Borough of Wil-  
“ mington, be appointed Fort Major (instead of Mr. Charles West,

"late Fort Major, who is rendered incapable of that office), and  
"that he be commissioned by the President and Commander-in-  
"Chief accordingly ; which said Fort Major shall forthwith inlist  
"the number of persons above mentioned, who, from the time  
"of inlistment, shall receive the pay and subsistence aforesaid.

*"Resolved,* That the said Fort Major take under his care and  
"direction any fire-rafts that may be built or brought into this  
"State, and be subject to the command of the President or Com-  
"mander-in-Chief."

On motion,

*Ordered,* That Mr. Wiltbank wait on the House of Assembly  
with the following papers, to wit :

The bill entitled "An act to punish treasons, &c.," and mes-  
sage assigning the reasons of Council for adhering to the amend-  
ments proposed to the said bill ;

The bill entitled "An act to render divers acts of Assembly,  
&c., more conformable to the present Constitution ;"

The report of the Committee on Publick Accounts, with the  
concurrence of Council ;

The resolutions of the House of Assembly respecting the ap-  
pointment of a Fort Major, and concurrence of Council thereto ;

The resolutions on Col. Jones's petition respecting salt works,  
with the further amendments proposed by Council ;

The resolution empowering the President to issue his procla-  
mation for continuing officers, with concurrence of Council ;

The resolution upon the petition of Robert Burton and others,  
with concurrence of Council.

A member from the House of Assembly, attending at the door,  
was admitted and returned to the Chair the report of the com-  
mittee on Capt. Skillington's account, and resolution of Council  
thereon, with the concurrence of the House of Assembly, and  
appointment of David Finney, Esq., and Col. George Latimer  
a Committee for the County of New Castle ; Messrs. John Prior

and French Battle for the County of Kent, and Isaac Horsey, Esq'r, and Mr. John Tenant for the County of Sussex, for the service therein proposed.

[Vide the report for persons appointed on the part of Council, and enter it.] \*

Also, the resolutions respecting salt works, with concurrence of the House of Assembly to the amendment last proposed by the Council to the 4th resolution instead of the amendment proposed by the House of Assembly, which being made, the said resolutions are as follows, to wit :

*Resolved*, 1. That the sum of one thousand pounds be let "by this State upon loan to the said Col. John Jones (the better "to enable him to carry into execution his intention of erecting "salt works in this State, at or near Indian River, in Sussex "County,), he, the said John Jones, giving bond, with sufficient "sureties, for the payment of that sum at the expiration of five "years from the date of said bond.

"2. That for the further encouraging the said Col. Jones in "prosecuting his intentions and erecting said works for manu- "facturing the useful article of salt, this State should engage to "purchase or take of him the quantity of ten thousand bushels "of salt, at the rate of five shillings per bushel, annually for the "space or term of five years, in consideration of which,

*Resolved*, 3. That the said Col. John Jones ought to engage "and bind himself, his executors and administrators, to deliver, "for the use of this State, to such person or persons as the "President shall appoint, all the salt that by him shall be manu- "factured or made therein (at the place where the salt works "shall be erected), for the space or term of five years aforesaid, "at the rate of five shillings per bushel, so that the quantity in "any one year during that term does not exceed ten thousand "bushels ; and that he should be bound and obliged to deliver, "in each and every year during the term aforesaid, at the manu- "factory aforesaid, for the use of this State, the quantity of three "thousand bushels of salt, manufactured therein at the rate afore- "said.

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\*This report does not appear on the record.

“4. That upon the said Col. John Jones complying with the  
“conditions herein before expressed to be by him entered into  
“and performed, that he, the said Col. John Jones, his executors,  
“administrators and assigns, ought to have the exclusive right of  
“making salt in this State for sale for and during the last four  
“years of the term aforesaid; and that he may dispose of and sell  
“to such person or persons as he pleases, and at such prices as  
“he can get, all the overplus salt he shall make after furnishing  
“the State with the aforesaid quantity of ten thousand bushels  
“annually for the term of five years aforesaid.

“5. That the said sum of one thousand pounds be drawn for  
“by the President out of the ten thousand pounds granted by  
“the present General Assembly for the use of the State, under  
“whose direction the bond aforesaid from the said John Jones  
“and his sureties shall be taken, with the further condition that  
“the same shall be payable at the end of any one year during  
“which the said John Jones shall fail to supply the aforesaid  
“quantity of three thousand bushels of salt.

“6. That if the said John Jones shall neglect to make appli-  
“cation for the said draught, or to execute his bond on or before  
“the 20th day of April next, that the encouragement proposed  
“to be given to him shall cease.”

A member from the House of Assembly, attending at the door,  
was admitted and delivered to the Chair the following acts and  
resolutions of the House of Assembly, to affix the Great Seal to  
the same, to wit :

“ IN ASSEMBLY, February 22d, 1777, P. M.

“On motion,

“*Resolved*, That the President and Commander-in-Chief affix  
“the Great Seal of this State to the following laws, to wit :

“1. ‘An act for supporting and establishing certain Bills of  
“Credit issued by the Congress of the United States of America,  
“and to prevent the counterfeiting of the same and certain lottery  
“tickets issued by their authority, certificates of the Continental  
“Loan Office, and other bills of credit ;’

“2. ‘An act for aiding the discontinuance of the process in  
“the Supreme Court, and for altering the times of holding the

“said court and also the Courts of Quarter Sessions of the Peace  
“and Goal Delivery and Courts of Common Pleas ;’

“3. ‘An act for printing and emitting £15,000 in Bills of  
“Credit of this State to be let out on loan, and for striking the  
“further sum of £10,000 in such bills for the use of this State,  
“and for providing a fund for sinking the same ;’

“4. ‘An act for the recovery of a sum of money due from  
“Boaz Manlove, of the County of Sussex, to the Delaware  
“State ;’

“5. ‘An act for establishing a Militia in this State ;’

“6. ‘An act for ascertaining the salaries and allowances to  
“the officers and persons herein mentioned employed in the  
“Government of this State and for the providing a fund for the  
“payment thereof ;’

“7. ‘An act to render parts of divers acts of Assembly and  
“certain law proceedings more conformable to the present Con-  
“stitution ;’

“8. ‘An act against desertion and harbouring deserters, or  
“dealing with them in certain cases.’”

The House took into consideration the report of the Committee on Publick Accounts, and divers amendments being proposed to the 1st report and agreed to, the same were transcribed.

*Ordered*, That Mr. Vandyke wait on the House of the Assembly with the said amendments and following papers, to wit :

1st and 2d report of Committee on Public Accounts, with the papers therein referred to ;

The resolutions of the House of Assembly requesting the Speakers of both Houses to write to General Washington, with the amendments thereto proposed and papers therein referred to ;

The resolutions of the House of Assembly empowering the President to draw for the sums appropriated by the General Assembly, with the concurrence of Council.

Mr. Vandyke, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the report of the committee for adjusting the accounts of the officers and privates of the 2d Delaware Battalion, with the amendments proposed, and David Finney, George Latimer, and John Thompson are appointed a committee for the County of New Castle; John Prior and French Battle for the County of Kent, and Isaac Horsey and John Tenant for the County of Sussex, for the service aforesaid.

The House proceeded to the choice of 2 Privy Counsellors, when it appeared that Thos. McDonough and George Latimer were duly elected.

On motion,

*Ordered*, That a certificate of the appointment aforesaid be drawn up and sent to the House of Assembly for their concurrence, which was done, and is as follows, to wit :\*

*Ordered*, That the bills passed this session be signed by the Speaker and returned to the House of Assembly.

*Ordered*, That Mr. Wiltbank wait on the House of Assembly with the said bills and certificate, also the report of the Committee for Publick Accounts.

Mr. Wiltbank reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and returned the resolutions of that House requesting the Speakers of both Houses to write to General Washington, with the amendments thereto proposed. As to the 1st and 2d, acceded to; as to the rest, propose an amendment,

Which was agreed to.

Also, the following resolution, to wit :

“IN THE HOUSE OF ASSEMBLY,

“SATURDAY, P. M., February 22d, 1777.

“*Resolved*, That the Council be informed that this House, “apprehending the business before the General Assembly may

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\* The certificate was left out by the Clerk.

“be brought to a conclusion to-day, propose to adjourn to Monday, the 2d June next.”

A member from the House of Assembly, attending at the door, was admitted and delivered the amendments proposed by the House of Assembly to the amendments proposed by the Council to the resolution directing the Speakers of both Houses to write to General Washington.

Also the following verbal message, to wit :

“VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO  
“THE COUNCIL.

“The House has ordered the Speaker to sign any draught that may be presented by the Speaker of Council for the payment of the expenses of the session.”

On motion,

*Ordered*, That the following verbal message be transcribed, signed by the Speaker, and sent to the House of Assembly, to wit :

*Gentlemen :*

The Council have been so engaged\*

*Ordered*, That Mr. Vandyke wait on the House of Assembly with the following papers, to wit :

The resolutions of the House of Assembly respecting salt works, and resolutions requesting the Speakers of both Houses to write to General Washington, as amended ;

Letters from the President of Congress, inclosing sundry resolutions respecting Continental currency, and requesting an immediate representation from this State in Congress ;

The report of the committee on Capt. Skillington's account, with concurrence of Council, and appointment of John Thompson, Esq., for the County of New Castle ; John Cook, Esq., for the County of Kent, and William Polk, Esq., for the County of Sussex, on the part of this House for the purpose aforesaid.

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\* The above is just as it is in the original.

Mr. Vandyke reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill to punish treasons and disaffected persons, &c., with the amendments proposed by this House, to all of which the House of Assembly agreed.

Also, delivered the following verbal message, to wit :

A VERBAL MESSAGE TO THE COUNCIL FROM THE ASSEMBLY.

*Gentlemen :*

The Assembly are so straitened \*

The bill to punish treasons, &c., as amended, was read and compared at the table. Agreed that the same be enacted into a law.

*Ordered*, That the Speaker subscribe the same, which was done accordingly.

*Ordered*, That Mr. Bassett wait on the House of Assembly with the said bill as signed by the Speaker.

A member from the House of Assembly, attending at the door, was admitted and returned the certificate, &c., of the appointment of the Delegates to Congress, with their concurrence.

The Council took into consideration their expenses this session, and thereupon

*Resolved*, That there be paid to the members of Council :  
 For New Castle County, for personal expenses by  
 them incurred, to wit : 3 members, 42 days, . . . £ 74 17 9  
 To the members of Kent County, for same, . . . 78 17 9  
 To the members of Sussex County, for same, . . . 82 17 9  
 To Slatore Clay, Clerk of Council, for 40 days' attend-  
 ance, &c., @ 7s. 6, . . . . . 20 17 6

*Carried over*, . . . . . £257 10 9

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\* The above is according to the manuscript record.



<i>Brought over,</i> . . . . .	£257	10	9
To Jas. Firth, Messenger to Sussex, . . . . .	2	10	0
To Robert McIlheron, the same to camp, . . . . .	10	0	0
To Robert Booth, Messenger to summon witnesses, .	1	13	0

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£271 13 9

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*Ordered,* That the same be transcribed and sent to the House of Assembly for concurrence, which was done accordingly.

Then the Council adjourned to the 6th day of June next.



# MINUTES OF COUNCIL.

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MAY, 1777.



# MINUTES OF THE COUNCIL OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,

THURSDAY, May 1st, 1777.

Council met in pursuance of a summons from his Excellency John McKinley, Esquire, President and Commander-in-Chief.

A quorum of members not having attended, adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., May 2d, 1777.

Council met.

It appears by the returns of the Sheriffs and Inspectors of the Counties of Kent and Sussex that, pursuant to a writ from the Speaker, an election was held on the 25th April last, at the usual places of election, for the choice of members of Council in the room of William Polk and John Wiltbank, Esquires, who are appointed Justices of the Court of Common Pleas and Orphans'

Court for the County of Sussex, and James Sykes, Esquire, who is appointed one of the Justices of the Supreme Court of this State, when the following gentlemen were chosen, to wit :

FOR THE COUNTY OF SUSSEX,

John Jones,  
Samuel Shelton Sloss.

FOR THE COUNTY OF KENT,

John Baning.

Adjourned till to-morrow morning.

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SATURDAY, A. M., May 3d.

Council met.

A member from the House of Assembly delivered the following message from his Excellency the President to the General Assembly, to wit :

A MESSAGE FROM THE PRESIDENT TO THE GENERAL ASSEMBLY.

*" Gentlemen :*

" I herewith send you sundry resolutions of Congress of the  
" 14th ultimo, recommending measures to the Legislatures of  
" each of the United States for the more speedy furnishing their  
" several quotas of troops, together with a circular letter addressed from the President thereof to the Assembly of this  
" State, both of which were transmitted to me on the 19th following ; and Congress deeming it necessary that the several  
" Legislatures should cause those measures to be put in execu-

"tion before the 15th day of this month, I have thought it my  
"duty, with the advice of the Privy Council, to call you together  
"at this time."

Adjourned till Monday morning.

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MONDAY, A. M., May 5th.

Council met.

A quorum of members not attending, all business was postponed till Wednesday.

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WEDNESDAY, A. M., May 7th.

Council met. Present—All the members except Messrs. Cantwell, Jones, Sloss, and Dingee.

Mr. Baning took and subscribed the oath and declaration as prescribed by the Constitution.\*

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\* The oath, &c., here mentioned, are given in the "Qualification Book," with the signature of the member thereto, as follows:

I [A. B.] will bear true allegiance to the Delaware State, submit to its Constitution and Laws, and do no act, wittingly, whereby the freedom thereof may be prejudiced.

I [A. B.] do profess faith in God the Father, and in Jesus Christ his only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

JOHN BANING.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,  
“ WEDNESDAY, A. M., May 7th, 1777.

“ *Resolved*, That no officer, or other person (not being there-  
“ unto particularly authorized by Congress, or his Excellency  
“ General Washington, in pursuance of a resolve of Congress),  
“ shall be permitted to enlist any recruit within this State for any  
“ other State until the quota of troops of this State is completed.”

Which, being read, was ordered to lie on the table for consid-  
eration.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

The resolution of the House of Assembly under consideration in the forenoon was read the second time and concurred in.

*Ordered*, That Mr. Bassett wait on the House of Assembly with the resolution aforesaid and concurrence of Council thereto.

Mr. Vandyke prayed leave of absence till to-morrow afternoon. The same was granted.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly according to order.

Adjourned till to-morrow morning, 10 o'clock.



THURSDAY, A. M., May 8th.

Council met.

Mr. Cantwell, a member of this House, appeared and took his seat.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled

“An act for the more speedily completing the quota of troops to be raised in this State for the Continental army,”

Which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

Mr. Speaker being indisposed, adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., May 9th.

Council met, and resumed the consideration of the bill “for the more speedily completing the quota of troops to be raised in this State for the Continental army,” which was read the second time, and, after some time spent therein, was postponed till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The bill under consideration in the forenoon was taken up, and divers amendments being proposed and agreed to, the same were transcribed and sent to the House of Assembly for their concurrence.

*Ordered*, That Mr. Collins wait on the House of Assembly with the said bill and amendments thereto proposed for their consideration and concurrence.

Mr. Collins, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a bill entitled

“An act for the holding the General Assembly at Dover, in the County of Kent.”

By order read the first time.

Also, sundry resolutions of that House, to wit :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, A. M., May 9th, 1777.

“*Resolved unanimously*, That it is a daring invasion of the rights and liberties of the people of this State for any person or persons to impress any of the inhabitants thereof, or persons therein residing, either into the sea or land service of the United States of America, or any of them, under colour of authority derived from any State, or man, or body of men whatever, except the Legislature of this State.

“*Resolved unanimously*, That the President and Commander-in-Chief be requested to cause to be apprehended and prosecuted, according to law, any person or persons who shall presume to violate the above resolution, and, if necessary, that the Militia be called in to support the civil authority in apprehending such offenders.”

Which, by order, was read the first time.

The Speaker laid before the Council a letter received by him in the late recess of the General Assembly from the Honorable John Hancock, Esquire, President of Congress, inclosing an attested copy of the Declaration of Independency of the Thirteen United States of America, with the names of the Members of Congress subscribing the same.

And the same being read by order,

*Resolved unanimously*, That for the better preserving the said act of independency and as a lasting testimony of the approbation thereof by the representatives of the people of this State in General Assembly met, the same be entered at large on the minutes of the respective Houses of this present General Assembly, and afterwards lodged in the rolls office among the laws and other publick acts of this State.

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident—That all men are created equal ; that they are endowed by their Creator with certain unalienable rights ; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed ; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient

causes ; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies ; and such is now the necessity which constrains them to alter their former system of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained ; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time after such dissolutions, to cause others to be elected ; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise, the state remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States ; for that purpose obstructing the laws for naturalization of foreigners ; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws ; giving his assent to their acts of pretended legislation :

For quartering large bodies of armed troops among us.

For protecting them by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us, in many cases, of the benefits of trial by jury :

For transporting us beyond seas to be tried for pretended offences :

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with the power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world, for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies, are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain, is, and ought to be, totally dissolved; and that as free and independent States they have full power to levy war, con-

clude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed, and signed by the following members :

## JOHN HANCOCK.

## NEW HAMPSHIRE.

JOSIAH BARTLETT,  
WILLIAM WHIPPLE,

MATTHEW THORNTON.

## MASSACHUSETTS BAY.

SAMUEL ADAMS,  
JOHN ADAMS,

ROBERT TREAT PAINE,  
ELBRIDGE GERRY.

## RHODE ISLAND, &amp;c.

STEPHEN HOPKINS,

WILLIAM ELLERY.

## CONNECTICUT.

ROGER SHERMAN,  
SAMUEL HUNTINGTON,

WILLIAM WILLIAMS,  
OLIVER WOLCOTT

## NEW YORK.

WILLIAM FLOYD,  
PHILIP LIVINGSTON,

FRANCIS LEWIS,  
LEWIS MORRIS.

## NEW JERSEY.

RICHARD STOCKTON,  
JOHN WITHERSPOON,  
FRANCIS HOPKINSON,

JOHN HART,  
ABRAHAM CLARK.

## PENNSYLVANIA.

ROBERT MORRIS,  
BENJAMIN RUSH,  
BENJAMIN FRANKLIN,  
JOHN MORTON,  
GEORGE CLYMER,

JAMES SMITH,  
GEORGE TAYLOR,  
JAMES WILSON,  
GEORGE ROSS.

## DELAWARE.

CÆSAR RODNEY,  
GEORGE READ,

THOMAS M'KEAN.

## MARYLAND.

SAMUEL CHASE,  
WILLIAM PACA,

THOMAS STONE,  
CHAS. CARROLL, of  
Carrollton.

## VIRGINIA.

GEORGE WYTHE,  
RICHARD HENRY LEE,  
THOMAS JEFFERSON,  
BENJAMIN HARRISON,

THOMAS NELSON, JR.,  
FRANCIS LIGHTFOOT LEE,  
CARTER BRAXTON.

## NORTH CAROLINA.

WILLIAM HOOPER,  
JOSEPH HEWES,

JOHN PENN.

## SOUTH CAROLINA.

EDWARD RUTLEDGE,  
THOMAS HEYWARD,

THOMAS LYNCH, JR.,  
ARTHUR MIDDLETON.

## GEORGIA.

BUTTON GWINNETT,  
LYMAN HALL,

GEORGE WALTON.

*Ordered,* That Mr. Bassett wait on the House of Assembly with the letter from the President of Congress and the attested copy of the Act of Independence, together with the foregoing resolution for their approbation and concurrence.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill entitled "An act for the more speedily completing the quota of troops, &c.," with the amendments proposed by this House to the said bill, to all of which the House of Assembly agreed except the 1st, 2d, 3d and 4th, and request that a committee of Council may be appointed to confer with a committee of the House of Assembly upon the said amendments not acceded to.



And the said proposal for a committee of conference being taken into consideration, Mr. Bassett, Mr. Cantwell, and Mr. Collins are appointed on the part of this House for that purpose.

Mr. Collins, a member of this House, and one of the commissioners appointed by the President and Council of this State to meet commissioners appointed by the States of New York, New Jersey, Pennsylvania, Maryland, and Virginia, at York town, in Pennsylvania, in pursuance of a resolve of Congress, for the purpose of considering and forming a system adapted to the said States for regulating the price of labour, of manufactures, and of internal produce within those States, and of goods imported from foreign parts, except military stores, laid a copy of the proceedings of the said commissioners before the Council.

On motion and order the same was read.

*Ordered*, That the same be sent to the House of Assembly for their perusal, and that Mr. Collins deliver the same.

Mr. Collins, being returned, reported that he had waited on the House of Assembly according to order.

On motion, by special order,

The resolutions of the House of Assembly were read the second time and concurred in.

*Ordered*, That Mr. Bassett wait on the House of Assembly with the said resolutions and concurrence of Council thereto.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

*Ordered*, That the following verbal message be transcribed, signed by the Speaker, and sent to the House of Assembly, to wit :

VERBAL MESSAGE TO THE HOUSE OF ASSEMBLY FROM THE  
COUNCIL.

*Gentlemen :*

The Council have acceded to your proposal for a conference, by committees to be appointed by both Houses, on the subject matter of the four first amendments proposed by the Council to

the bill for the more speedily completing the quota of troops to be raised in this State for the Continental army, and have appointed Messrs. Cantwell, Bassett, and Collins, on the part of the Council, a committee for the purpose aforesaid.

*Ordered*, That Mr. Bassett wait on the House of Assembly with the the forgoing message.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a verbal message appointing Messrs. Ridgely, Finney, and Clowes, on the part of that House, a committee of conference respecting the amendments not acceded to.

Which, by order, was read.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., May 10th.

Council met.

Mr. Vandyke appeared and took his seat.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair

“A supplement to an act entitled ‘An act for regulating inn-holders, tavern-keepers, and other publick house keepers within this Government, and empowering the Justices to settle the rates of liquors.’”

Also returned the resolution of this House as to the Act of Independency of the United States of America.

On motion, by order,

The "Supplement to an act entitled 'An act for regulating inn-holders, tavern-keepers, and other publick house keepers within this Government, &c.'," was read the first time and ordered to lie on the table for consideration.

The Council took into consideration their 1st, 2d, 3d and 4th amendments proposed by them to the bill entitled "An act for the more speedily completing the quota of troops to be raised, &c.," and do recede from the same.

On motion,

*Ordered*, That a committee be appointed to draw up a message to the House of Assembly assigning the reasons for proposing said amendments, and Messrs. Vandyke, Bassett, and Cantwell were appointed a committee for that purpose.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

The committee appointed to draw up a message to the House of Assembly laid one on the table, which was read, and, after some amendments made, was transcribed and signed by the Speaker, and is as follows, to wit :

A MESSAGE FROM THE COUNCIL TO THE ASSEMBLY.

*Gentlemen :*

As the committee of conferees appointed by the two Houses on the subject matter of the four first amendments proposed by the Council to the bill for the more speedily completing the quota of troops to be raised in this State for the Continental army have come to no determination thereon, and the advantage which might arise to the United States by the filling up said quota of

troops must be totally lost should no mode to effect the same be adopted by the General Assembly at their present sitting, the Council think it necessary to recede from their said proposed amendments; but at the same time, in justice to themselves, deem it their duty to inform your honorable House of the reasons which induced them to propose said amendments, and which still strongly impress their minds, to wit :

That the exemptions from all service in the Militia on a recruit being procured by any two persons will induce many to offer considerable sums in addition to the bounty allowed by Congress, which will effectually put an end to the enlistment of men by any commissioned officer of said battalion, except for such who may wish to purchase exemptions.

That such exemptions will tend to discourage the Militia, as the procuring recruits in that mode can only be adopted by those who may be in easy circumstances. This will occasion dissatisfaction and murmuring among others who are not so fortunate as to be able to take advantage thereof.

That every step having a tendency to discourage the bulk of the people, or lessen their confidence in a number of their fellow-citizens, ought to be carefully avoided, as the success of the present righteous struggle chiefly depends on unanimity and confidence being supported among all ranks of people. The mode prescribed in the bill may, for many reasons, not be so injurious in a large and populous State. Our case is different. We have a long and extended frontier and few to guard it. Every exertion must be made to spirit up that few. The numbers are such that they will not bear much diminution, particularly of those of whom most may be expected.

That if a number of suitable persons in this State, in addition to the officers of the Delaware Battalion, were authorized to recruit and a bounty given to them, with a further allowance for the subsistence of recruits, the quota of troops for this State might be made up, and a defection in the Militia not risked.

*Ordered*, That Mr. Baning wait on the House of Assembly with the bill and forgoing message.

Who, being returned, reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair

“A supplement to the act entitled ‘An act for establishing a Militia in this State,’ ”

Which, by order, was read the first time.

On motion, by special order,

The supplement to the act entitled “An act for establishing a Militia in this State,” was read the 2d time, and, after some time spent therein, was agreed to.

*Ordered*, That Mr. Baning wait on the House of Assembly with the bill.

Who, being returned, reported that he had delivered the bill according to order.

On motion, by special order,

The bill entitled “An act for holding the General Assembly at Dover, in the County of Kent,” was read the 2d time, and an amendment being proposed the same was transcribed and sent to the House of Assembly for their concurrence.

The supplement to an act entitled “An act for regulating inn-holders, tavern-keepers, and other publick house keepers within this Government,” was read the 2d time and concurred in.

*Ordered*, That Mr. Vandyke wait on the House of the Assembly with the two foregoing bills and amendment proposed to the former.

Mr. Vandyke, being returned, reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled

“An act for the holding the General Assembly at Dover, in the County of Kent,”

With the amendment thereto proposed, to which the House of Assembly agreed.

The Council consent that the said bill be enacted into a law.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a message from the President to the General Assembly, inclosing sundry resolutions of Congress, to wit :

*" Gentlemen :*

" I herewith send you some resolutions of the Honorable  
" Congress of the 19th ultimo, transmitted to me by the Presi-  
" dent, recommending measures to the Legislative and Executive  
" authorities of this State and the State of Maryland to avert the  
" imminent danger of an insurrection in the Counties of Somerset  
" and Worcester, in the State of Maryland, and to prevent their  
" being joined by disaffected persons in the County of Sussex, in  
" this State, and to enact laws appointing commissioners to take  
" charge of the estates of such as may be removed. In conse-  
" quence whereof, with the advice of the Privy Council, I wrote  
" to some principal gentlemen in the County of Sussex and to  
" the commanding officers of the Militia adjacent to Worcester  
" County, desiring them respectively to make the most speedy  
" and strict inquiries respecting the danger apprehended from  
" Sussex County, and that they would, as soon after as possible,  
" let me know the result. In answer to which, I have been in-  
" formed by those gentlemen severally that the inhabitants of  
" that county are very quiet, and that they imagined the sus-  
" picion as to them was not well founded, save one of the gen-  
" tlemen, who refers me to be informed by Mr. John Clowes, a  
" member of the House of Assembly, with whom I have had an  
" opportunity to converse on that subject, but from whom you  
" can much better immediately receive that information."

Also, sundry resolutions of the House of Assembly, founded upon the report of their committee to whom were referred the foregoing message and its inclosures.

Also, a verbal message informing the Council that the House of Assembly propose to adjourn to-morrow morning till the 2d June next.

On motion, .

*Ordered,* That the resolutions of the honorable House of Assembly, founded on the message of his Excellency the President

and sent to the Council, be referred to a committee of two to report thereon.

And Messrs. Vandyke and Bassett are appointed a committee for that purpose.

Adjourned till Monday morning, 10 o'clock.

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MONDAY, May 12th, 1777.

Council met.

Mr. Dingee, a member of this House, appeared and took his seat, and assigned his reason for not attending sooner, which was deemed sufficient.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the two following engrossed bills for the examination of Council, to wit :

The bill entitled "An act for the more speedily completing the quota of troops to be raised in this State for the Continental army."

Also, a supplement to the act entitled "An act for establishing a Militia in this State."

Which, being severally examined and compared, the Council consent that the said bills be enacted into laws.

*Ordered*, That Mr. Vandyke wait on the House of Assembly with the said bills.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

The committee appointed to consider the resolutions of the honorable House of Assembly, founded on the message of his Excellency the President, have taken the same into consideration

and beg leave to report the following resolutions to be adopted instead thereof : \*

And the said resolutions reported by the committee of Council being read and considered, were agreed to be adopted in the stead of the resolutions sent from the House of Assembly, and ordered to be sent to that House for their consideration and concurrence.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,  
“ MONDAY, A. M., May 12th, 1777.

“ On motion,

“ *Resolved*, That this House will, before dinner, adjourn to, the  
“ 2d day of June next.”

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the resolutions reported by the committee of Council and agreed to be adopted in the stead of the resolutions of the House of Assembly, founded on the President's message, with divers amendments thereto proposed, which were concurred in, to wit : †

Also, the following bills passed this session, to wit :

“ An act for the holding the General Assembly at Dover, in the County of Kent ;”

“ A supplement to an act entitled ‘ An act for regulating inn-holders, tavern-keepers, and other publick house keepers within this Government, and empowering the Justices to settle the rates of liquors ;’ ”

“ An act for the more speedily completing the quota of troops to be raised in this State for the Continental army ;”

“ A supplement to an act entitled ‘ An act for establishing a Militia in this State ;’ ”

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\* The Clerk left a blank space for, but neglected to copy these resolves into his journal.

† These amendments do not appear on the manuscript journal.



Which were signed by the Speaker.

*Ordered*, That Mr. Collins wait on the House of Assembly with the above laws and resolution aforesaid, as amended.

Mr. Collins, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a resolution of that House empowering the President to affix the Great Seal of this State to the different bills passed this session.

Which was concurred in.

*Ordered*, That the above resolution be signed by the Speaker and returned to the House of Assembly.

And Mr. Vandyke was appointed for that purpose, who, being returned, reported that he had waited on the House of Assembly according to order.

Then the Council took into consideration the state of their expenses, and they find

New Castle County's quota	. . . . .	£ 24 7 11
Kent County's	" . . . . .	24 7 11
Sussex County's	" . . . . .	24 7 11

Adjourned till 2d June.



# MINUTES OF COUNCIL.

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JUNE, 1777.



# MINUTES OF THE COUNCIL OF THE DELAWARE STATE.

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NEW-CASTLE-ON-DELAWARE,  
MONDAY, June 2d, 1777.

Council met according to adjournment.

A quorum of members not attending, adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, June 3d.

Council met. Present all the members, except Mr. Vandyke.

Messrs. Sloss and Jones, being elected in the stead of William Polk and John Wiltbank, Esquires, who were appointed Justices of the Court of Common Pleas and Orphans' Court in Sussex County, took and subscribed the oath and declaration as prescribed by the Constitution.\*

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\*The oath, &c., here mentioned, are given in the "Qualification Book," with the signature of the members thereto.

I [A. B.] will bear true allegiance to the Delaware State, submit to its Constitution and Laws, and do no act, wittingly, whereby the freedom thereof may be prejudiced.

I [A. B.] do profess faith in God the Father, and in Jesus Christ his only Son,

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, P. M., June 3d, 1777.

“ On motion,

“ *Resolved*, That this House propose to put in nomination, to-morrow afternoon, persons qualified to be Judges of the Supreme Court for this State, in the room of Richard M. William and Cæsar Rodney, Esquires, elected on the 21st day of February last first and second Justices of the said Court, who have declined accepting of the same offices ; and James Sykes, Esquire, elected, at the same time, third Justice thereof, he having since that time accepted of the Clerkship of the Courts of Common Pleas and Quarter Sessions for the County of Kent, and thereby being rendered incapable of holding the said office ; and also for the office of Judge of the Admiralty, in stead of Nicholas Vandyke, Esquire, who was elected thereto on the aforesaid day, and hath since declined to accept thereof ; and that the Council be requested to concur herein.”

Which, by order, was read the first time.

On motion, by special order, the same was read the 2d time and concurred in.

*Ordered*, That Mr. Bassett wait on the House of Assembly with the resolution aforesaid and concurrence of Council thereto.

Who, being returned, reported that he had waited on the House of Assembly according to order.

*Ordered*, That a certified copy of the above resolution be delivered to his Excellency the President.

Adjourned till to-morrow.

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and in the Holy Ghost, one God, blessed for evermore ; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

SAMUEL SHELTON SLOSS.  
JOHN JONES.

WEDNESDAY, P. M., June 4th.

Council met.

A committee from the House of Assembly, attending at the door, were admitted and informed the Council that the House of Assembly is now ready to proceed to the nomination of Justices of the Supreme Court and a Judge of the Admiralty, agreeable to the resolution of both Houses.

The Council proceeded to the State House and there met the House of Assembly, when divers persons were put in nomination for the respective offices of Justices of the Supreme Court and Judge of Admiralty for this State, to be balloted for to-morrow at 3 o'clock, P. M.

*Ordered*, That notice thereof be forthwith given to the President.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled

“An act for aiding the discontinuance of the process in the Courts of Quarter Sessions for the Counties of New Castle and Sussex, &c.”

Which, by order, was read the first time.

On motion,

*Ordered*, That Col. Jones and Major Sloss be of the Committee for Publick Accounts.

*Ordered*, That Mr. Bassett wait on the House of Assembly with a copy of the above order.

On application of Col. Collins for leave of absence till to-morrow morning, the same was granted.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, June 5th.

Council met.

Mr. Speaker laid on the table a message from his Excellency the President, together with a certified copy of the report of those persons who were appointed to go into the County of Sussex to make inquiry into the present disposition of the inhabitants thereof, and sundry resolutions of Congress of the 29th of April and the 12th and 19th of May last ; which message is as follows, to wit :

*" Gentlemen :*

*" In pursuance of your resolution of the 12th of last month " I, together with the Privy Council, did appoint John Thompson, Thomas Collins, and John Cook, Esquires, to go into the " County of Sussex for the purposes in that resolution expressed, " in consequence whereof I received, the evening before last, a " report, in writing, signed by two of the aforesaid gentlemen ; " whereupon I convened the Privy Council yesterday and laid " the same before them, and now, with their advice, I herewith " send you a copy of that report.*

*" Since the last sitting of your honorable Assembly I received " some resolves of Congress, to be laid before you. One of " those resolutions, of the 29th of April last, recommends the " adjustment of the accounts for recruiting the Continental Battalion of this State, that the same may be transmitted to the " Treasury Board. Another of those resolutions, of the 12th of " May last, recommends to the Legislature to exempt from military duties all persons who are immediately concerned in the " business of the post office ; and another of them, of the 19th " of the same month, recommends that the Legislature should " make provision, by law, for marching the Militia out of this " State when the service shall so require it."*

Which, being severally read, were referred for consideration.

The bill for aiding the discontinuance of the process in the



Courts of Quarter Sessions for the Counties of New Castle and Sussex was, upon motion and order, read the 2d time.

*Resolved*, That the same bill be committed to a committee of three.

The persons chosen, Messrs. Bassett, Jones, and Collins.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

The Council, according to the order of the day, met the President of the State and the House of Assembly in the State House, and the President and members of both Houses having prepared tickets with the names of the Justices of the Supreme Court to be appointed for the State and put the same into the ballot-box, the Speakers of the two Houses, in presence of the President and the other members, examined the ballot-box, and it appearing that there was a majority of votes in favor of William Killen, Esquire, as Chief Justice of the said Court, and a majority of votes in favor of John Evans, Esquire, as second Justice of the said Court, and a majority of votes in favor of John Cook, Esq'r, as third Justice of said Court,

Whereupon the said William Killen, John Evans, and John Cook are declared duly elected and appointed Justices of the Supreme Court for the State.

Then the President and members of both Houses proceeded, in like manner, to ballot for a Judge of Admiralty, and it appearing that there was a majority of votes in favor of Cæsar Rodney, Esquire,

Thereupon the said Cæsar Rodney is declared duly elected and appointed Judge of Admiralty.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., June 6th.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a resolution of that House to put in nomination, to-morrow afternoon, persons qualified to be Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, in the room of Thomas Tilton, Esquire, who hath declined accepting of the same office.

Which, by order, was read the 1st time.

The committee to whom the act for aiding the discontinuance of the process in the Courts of General Quarter Sessions of the Peace, &c., in the Counties of New Castle and Sussex, was committed, report sundry amendments thereto, which were agreed to, and ordered to be transcribed and sent to the House of Assembly for their consideration.

The resolution of the House of Assembly respecting the nominating persons qualified to be Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, &c., was read the 2d time, and thereupon

*Ordered*, That the following verbal message be transcribed, signed by the Speaker, and sent to the House of Assembly, to wit :

A VERBAL MESSAGE FROM THE COUNCIL TO THE ASSEMBLY.

*Gentlemen :*

The Council beg to know in what way it doth appear to the House of Assembly that Thomas Tilton, Esq., of Kent County, lately elected Chief Justice of the Court of Common Pleas and Orphans' Court for that county, hath declined accepting of the same office, or what evidence the House of Assembly hath of that fact.

*Ordered*, That Major Sloss wait on the House of Assembly

with the above bill and amendments thereto proposed, also the resolution and verbal message.

Major Sloss reported that he had waited on the House of Assembly according to order.

The Council taking into consideration the resolves of the Honorable the Congress of the 29th of April last relating to the settlement of the accounts for recruiting the Continental Battalion of this State, mentioned in a message from the President of the 5th instant, thereupon

*Resolved*, That George Latimer and Robert Bryan, Esquires, be a committee to state an account of the monies advanced for recruiting the Continental Battalion belonging to this State, together with the names of the officers to whom the same were advanced, and to transmit the same to the Paymaster of the said battalion.

On motion,

*Ordered*, That the Paymaster forthwith call the said officers to account for such monies, agreeable to the resolutions of Congress aforesaid.

*Ordered also*, That the said Paymaster afterwards lay before the said committee a state of the said accounts, together with the vouchers to be produced, for their examination.

*Ordered*, That Mr. Baning wait on the House of Assembly with a copy of the above resolution and orders, and propose to them the appointment of a committee of the House of Assembly to join the committee of Council in the business aforesaid, if they think proper.

*Ordered also*, That the said George Latimer and Robert Bryan be appointed a committee to state an account of expenditures by this State for and on behalf of the Continent, in the stead of Messrs. Sykes and Vandyke, the former committee, who are absent, and now discharged from that service.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a resolution of that House appointing Mr. Lockwood and Mr. Horsey a Committee of Accounts for the present year.

Also, a resolution to adjourn to-morrow evening until the thirtieth day of September next.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., June 7th.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following verbal message, to wit :

*“ Gentlemen :*

*“ In answer to your verbal message of yesterday, delivered  
“ by Mr. Sloss, begging to know in what way it doth appear to  
“ the Assembly that Thomas Tilton, Esquire, hath declined ac-  
“ cepting of the office of Chief Justice of the Court of Common  
“ Pleas and Orphans’ Court for the County of Kent, or what  
“ evidence the House have of that fact, the Assembly inform  
“ the Council that two of the members of their House, namely :  
“ Messrs. Stout and Cook, gave the House to understand that  
“ they had frequently conversed with Mr. Tilton upon the subject  
“ of his appointment aforesaid, and requested him to qualify to*

“the said commission, and one of them very lately, and that he never gave them any reason to believe he intended to qualify thereto, and that he had not qualified to the said commission when the said members departed from their homes to attend this present sitting of the Assembly, which was three months after his appointment.”

Also, a resolution appointing John Barclay, Jonathan Robinson, and William Hemphill a committee, on the part of the House of Assembly, to join the committee of Council for stating an account of the monies advanced for recruiting the Continental Battalion belonging to this State, and also in stating an account of expenditures by this State for and on behalf of the Continent, in the room of Messrs. Thompson, Jones, and Robinson, appointed for that service on the 19th of February last, they being engaged in other public business.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled

“An act for aiding the discontinuance of the process in the Courts of General Quarter Sessions of the Peace, &c.,”

With the amendments thereto proposed by the Council, to which the House of Assembly agreed.

The Council consent that the said bill be enacted into a law.

*Ordered*, That Mr. Bassett wait on the House of Assembly with the above bill and its amendments.

Who, being returned, reported that he had waited on the House of Assembly according to order.

The Council took into consideration the verbal message from the House of Assembly respecting the evidence that has appeared of Mr. Tilton's declining to accept of the office of Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent.

On motion,

*Ordered*, That the same be postponed till it is known whether the House of Assembly will recede from their resolution to adjourn this evening.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the following bill passed this session, to wit :

"An act for aiding the discontinuance of the process in the Court of General Quarter Sessions of the Peace and Goal Delivery in the Counties of New Castle and Sussex, and for other purposes therein mentioned."

Also delivered the report of the joint committee for settling and adjusting public accounts, to wit :

"The joint committee appointed for settling and adjusting public accounts report that they have examined the accounts of his Excellency John McKinly, Esquire, and there is due to him a balance of £ 707 : 2 : 9, allowed him, on a former settlement, as Military Treasurer of New Castle County ; and £ 48, as signer of the late paper currency, and £ 20, it being the interest of £ 755 for 3 months and 3 weeks, and sundry other sums advanced by him since, as by his accounts appear, and the further sum of £ 713 : 11 : 0, together with commissions on £ 1,113 : 11 : 0, at  $2\frac{1}{2}$  per cent., the whole amounting to £ 1,516 : 10 : 3.

"Your committee do further report, that on examining an account exhibited by John Clowes, Esquire, do find a balance due him of £ 10 for attending the press when printing money ;

"To Samuel Crossan, on the examination of his account, a balance due to him of £ 20, which he is entitled to receive upon his producing a certificate from a Justice proving the facts set forth in his account with respect to a horse lost in the service ;

"To Jonathan Robinson the sum " \*

*Ordered*, That Col. Collins wait on the House of Assembly with the several allowances made by that House to the report of the joint committee and concurrence of Council thereto.

Also, the bill entitled "An act for aiding the discontinuance of the process of the Courts of General Quarter Sessions of the Peace, &c.," as signed by the Speaker.

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\* A memorandum here says: "Get from Mr. Booth," and then follows a long blank space for inserting other items.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, June 7th, 1777.

“ On motion,

“ *Resolved*, That the President and Commander-in-Chief be “ impowered and required to draw on the Trustees of the Loan “ Offices for this State respectively, or any of them, for the sums “ agreed to by the General Assembly to be due to the persons “ hereafter mentioned upon the reports of committees, out of the “ sum of £ 10,000, struck and given for the defence of this State “ in pursuance of an act entitled ‘An act for printing and emit- “ ting £ 15,000 in Bills of Credit of this State, to be let out on “ loan, and for striking the further sum of £ 10,000 in such bills “ for the use of the State and for providing a fund for sinking “ the same,’ he taking receipts for said draughts :

“ To Capt. Bassett, . . . . .	£	20	16	3
“ To Mr. President, . . . . .		15	16	10
“ To Samuel Crossan (on his complying with the “ terms prescribed by the committee), . .		20	0	0
“ To James Adams, . . . . .		21	6	13
“ To John Baning, . . . . .		1	10	0
“ To Gen. Rodney, Col. Collins and Jas. Latimer, . . . . .		123	15	0
“ To Col. Collins and John Thompson, Esq., . .		38	10	0
“ To Thomas McKean, Esq., . . . . .		20	2	6

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“ IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,

“ SATURDAY, P. M., June 7th, 1777.

“ On motion,

“ *Resolved*, That the President and Commander-in-Chief affix “ the Great Seal of this State to the bill entitled ‘An act for aid- “ ing the discontinuance of the process in the Courts of General “ Quarter Sessions of the Peace and Goal Delivery in the Coun- “ ties of New Castle and Sussex, and for other purposes therein “ mentioned.’ ”

*Ordered*, That Major Sloss wait on the House of Assembly with the above resolution and concurrence of Council thereto.

Who, being returned, reported, &c.\*

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\* Thus ends Mr. Clay's journal.



# MINUTES OF COUNCIL.

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OCTOBER, 1777.



# VOTES AND PROCEEDINGS

OF THE

## COUNCIL OF THE DELAWARE STATE.

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At a meeting of the Council at the Town of Dover, in the County of Kent, on Monday, the twentieth day of October, Anno Domini one thousand seven hundred and seventy-seven, a sufficient number of members to compose a House not attending, adjourned from day to day till

THURSDAY, October 23, 1777.

The following members appeared in the Council, viz :

*For New Castle County*—George Read, Nicholas Vandyke.

*For Kent County*—Thomas Collins, John Baning.

*For Sussex County*—John Jones.

The return of the Sheriff and Inspectors for the County of New Castle of the election of a Counsellor to fill the vacant seat of Richard Cantwell, Esq., who had the smallest number of votes at the General Election in October, 1776, being delivered at the table, it appears that the annual election for the said county was held on the first day of October, instant, at the Academy, in the Town of Newark, in the County of New Castle, in pursuance of a proclamation issued for that purpose by the Honorable Thomas McKean, Esquire, Speaker of the late House of Assembly and President of the State, in the absence of President McKinly and the Vice President, by reason that the situation of the British fleet and army at and near the Town of New Castle rendered it impracticable to hold the election there. Mr. Peter Hyatt was chosen a member of the Council for New Castle County in the place of Mr. Cantwell, and Mr. Hyatt appeared in the House.

The return of the Sheriff and Inspectors for the County of Kent being laid on the table, it appears that Richard Bassett, who had the smallest number of votes at the former General Election for the said county, was reelected a member of the Council for the County of Kent on the first day of this instant October. Mr. Bassett appeared in the House.

On motion,

Agreed unanimously that the Speaker of the Council be chosen annually.

Then the Council proceeded to the choice of a Speaker, and George Read, Esquire, was unanimously chosen.

The Speaker in the Chair, Mr. Benjamin Vining was appointed Clerk and Nathaniel Smithers, Jun., Messenger and Doorkeeper.

Mr. Bassett and Mr. Hyatt, the two members chosen at the last General Election, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State. [*See note on page 10.*]

The Speaker laid on the table a letter from the Honorable Thomas McKean, Esq., late Speaker of the House of Assembly and President of the State, in the absence of Mr. President McKinly and the Vice President, which, by order, was read the first time.

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FRIDAY, October 24, 1777.

Council met.

Benjamin Vining, as Clerk of the Council, appeared in the House, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and also took the oath of office as Clerk of this House. [*See note on page 11.*]

On motion and order,

The letter from the Honorable Thomas McKean, Esquire, Speaker of the late House of Assembly and President of the State, in the absence of Mr. President McKinly and the Vice President, was read a second time and committed to Messrs. Vandyke, Bassett, and Jones, to report thereon.

Adjourned till to-morrow.

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SATURDAY, October 25, 1777.

Council met.

A petition from divers of the inhabitants, freeholders and electors of the County of Sussex, complaining that they and other the freeholders and electors of that county, on the first day of October last past, were prevented from electing Representatives for the said county to the General Assembly of this State, and also of Sheriffs and Coroners for the ensuing year, by divers other persons, inhabitants of the said county, with an armed force, was delivered in at the table, and, on motion, read the first time.

The committee to whom the letter from the Honorable Thomas McKean, Esquire, as President in the absence of Mr. President McKinly and the Vice President, was referred, now made their report, which, on motion and order, was read the first time.

By special order the same was read a second time, and, after some debate, it was recommitted.

On motion, by special order,

The petition from divers of the freeholders and electors of Sussex County, complaining that the general election for representatives for the said county was prevented to be held by an armed force, was read a second time and referred for consideration.

Adjourned to Monday morning, 10 o'clock.

MONDAY, October 27, 1777.

Council met and adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, October 28, 1777.

Council met.

The committee to whom the report on Saturday was recommended, now brought in their report, which, by order, was read the first time.

Adjourned till to-morrow.

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WEDNESDAY, October 29, 1777.

Council met, and, on motion and order, the report of yesterday was read a second time and approved, in the following words, viz :

The committee of Council to whom a letter from the Honorable Thomas McKean, Esq., late Speaker of the House of Assembly, President and Commander-in-Chief of the Delaware State, was recommitted, do now report—

That the present situation of public affairs in this State requires that 600 militia be raised as speedily as possible for the protection and defence thereof, who are to continue in service for two months, unless sooner discharged by the Commander-in-Chief, and be furnished in the following proportions, viz : 300 non-commissioned

officers and privates in New Castle County, to consist of 6 companies of 50 men each, viz : 2 sergeants, 2 corporals, 1 drummer, 1 fifer, and 44 privates, to be commanded by 1 captain, 1 lieutenant, and 1 ensign ; 200 do. in Kent County, and 100 do. in Sussex County, to be officered in the same manner ;

AND WHEREAS the representatives of the several counties in the State have not, and in appearance cannot form themselves into a House for transacting of the public business, therefore from the necessity of immediately providing for the payment and support of the aforesaid troops, the committee report the following resolution, to be entered into by Council, viz : That it be recommended to the President and Commander-in-Chief to draw the sum of £5,000 out of the hands of the Trustee of the Loan Office of Kent County, and be by him applied for the uses aforesaid ; and that the Council on their part do promise and engage that they will hereafter concur with the Assembly in providing a fund for the replacing the said sum.

Your committee do further report a resolution, to be adopted by Council, recommending it to the President to draw the balance of the £10,000 emitted for the support of this State, and apply the same in discharge of the debts due to the militia heretofore called out.

Your committee do further report that, in their opinion, a committee of three persons be appointed to receive, examine and adjust the accounts of expenses which have accrued and become due to the Militia of the Counties of New Castle and Kent for former service, viz : Robert Bryan, Robert Armstrong, and Thomas Montgomery, gentlemen ; and also that a committee of three persons, viz : John Jones, John Rodney, and John Clowes, gentlemen, be appointed in the County of Sussex to receive, examine and adjust the accounts of expenses which have accrued and become due to the Militia of said county for former service, and make report thereof to the President, who is to pay the same accordingly.

Your committee do also recommend that a certified copy of the foregoing resolutions be made out, and the approbation of such of the members of the House of Assembly as are or may be in town signified by their subscribing the same.

On motion,

*Ordered*, That a copy of the preceding report and resolutions be made and delivered to the members of Assembly now in town, to be signed by them, signifying their approbation of this proceeding of the Council, and that Mr. Vandyke and Mr. Bassett attend them for this purpose.

Messrs. Vandyke and Bassett, having returned, delivered at the table the copy of the report and resolutions aforesaid, with the following subscription, to wit :

We, whose names are hereunto subscribed, being members of the Assembly for the Delaware State, do approve of the foregoing report and resolutions, and do engage to support the measures proposed therein at all times hereafter, both in our private and public capacities. Witness our hands this 29th of October, 1777 :

RICHARD LOCKWOOD,  
SAMUEL WEST,  
JEHU DAVIS,  
JOHN CLAYTON,  
WM. MOLLOSTON,  
GEORGE CRAGHEAD,  
ROBERT ARMSTRONG,

SAM'L PATTERSON,  
JAMES BLACK,  
WILLIAM CLARK,  
ISAAC LEWIS,  
ROBERT BRYAN,  
JACOB STOUT.

And signed, this 4th December, 1777, by CHARLES RIDGELY.

Thereupon

*Resolved*, That the several resolutions mentioned in the foregoing report be adopted by this House and forthwith carried into execution.

Then the Council proceeded to the settlement of the per diem wages and mileage of the members and the accounts of their officers for the present meeting, and the following allowances were made, viz :

To George Read ( <i>Speaker</i> ), Nicholas Vandyke, Peter Hyatt, Thomas Collins, John Baning, Richard Bassett, and John Jones, Esq'rs, for nine days' attendance and mileage, . . . . .	}	£ 46 11 0
To Benjamin Vining, Clerk, . . . . .		6 7 6
To Nathaniel Smithers, Jun., Doorkeeper, . . . . .		1 15 0
		£ 54 13 6



*Ordered*, That the Speaker draw orders on the Trustee of Sussex County for the payment of the several sums aforesaid.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned till the first day of December next.



# MINUTES OF COUNCIL.

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DECEMBER, 1777.



# VOTES AND PROCEEDINGS

## OF THE

### COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Monday, the first day of December, Anno Domini, 1777, a sufficient number of members to compose a House not attending, the Council adjourned till to-morrow.

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TUESDAY, December 2d, 1777.

The following members appeared, viz :

*For New Castle County*—George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt.

*For Kent County*—Thomas Collins, John Baning, Richard Bassett.

And adjourned till to-morrow.

WEDNESDAY, December 3d, 1777.

The Council met, and Col. John Jones, a member for Sussex County, appeared in the House.

The Representatives of the Counties not having formed themselves into a House of Assembly, the Council adjourned from day to day till Monday, the 8th of December, 1777.

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MONDAY, December 8th, 1777.

The Council met and adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, December 9th, 1777.

The Council met. Present all the members as on last Wednesday, except Mr. Jones.

The minutes of the last meeting of the Council were read.

On motion

*Resolved*, That a copy of that part of the proceedings of the Council respecting the raising and pay of 600 Militia within the State, for its protection and defence, and also the appointment of committees for adjusting the accounts of expenses of former service of the Militia of the State, with the mode recommended for discharging the same, be made out and sent to the House of Assembly, with a message from the Council setting forth the reasons that induced them to adopt the said measures, and recommending it to the House of Assembly to make such provision in

the premises as they may judge necessary, consistent with the Laws and Constitution of the State.

*Ordered*, That Messrs. Bassett and Vandyke be a committee to prepare a draught of such message and report the same in the afternoon.

Adjourned till 3 o'clock.

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EODEM DIE, P. M.

The Council met. Some of the members attending the Committee,

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., December 10th, 1777.

The Council met. The same members present as on yesterday.

The committee appointed to prepare the draught of a message to the House of Assembly now delivered one in, and the same being read was ordered to be transcribed and signed by the Speaker, and is in these words, to wit :

*Gentlemen :*

The Council herewith transmit a copy of their resolutions of the 29th October last, directing the raising of 600 troops within this State for the protection and defence thereof, and providing for the payment and support of said troops, and also appointing committees to receive, examine and adjust the accounts of expenses which had accrued and become due to the Militia of the State for former service, with the mode recommended for discharging the same.

As the Representatives of the several Counties in the State did not form themselves into a House for transacting of the public business, the Council, on their part, were induced to adopt the measures contained in said resolutions to prevent the persons of the inhabitants near the water from being seized and taken prisoners and their property plundered by the crews of the enemy's ships of war, which then were in the Delaware; to put a stop to the illegal and pernicious trade carried on with the enemy by the inhabitants of this State; and to remove the complaints made by the Militia of non-payment for former services, which the Council were apprehensive would not only tend to delay the raising said troops, but also prevent the Militia from turning out in cases of emergency.

The Council now recommend it to your honorable House to take the said resolutions into your consideration, and make such further provision in the premises as you may judge necessary, consistent with the Laws and Constitution of the State.

*Ordered*, That Mr. Collins wait on the House of Assembly with the said message and copy of the resolutions of this House of the 29th October last respecting the raising and pay of the 600 Militia within the State for its protection and defence, and also the appointment of committees for adjusting the accounts of expenses of former service of the Militia of the State, with the mode recommended for discharging the same.

Who, being returned, reported that he had delivered the same according to order.

A committee from the House of Assembly, attending at the door, were admitted and delivered the following verbal message, to wit :

That the House of Assembly had chosen their Speaker, and were now ready to proceed on any business that the Council should think fit to lay before them.

The Council resumed the consideration of the petition from divers of the inhabitants, freeholders and electors of Sussex County, complaining of their being prevented from electing Representatives for that County to the General Assembly, and also of Sheriffs and Coroners, for the ensuing year, by an armed force, and thereupon



*Ordered*, That a committee be appointed to bring in a bill for the holding an election in that county, at a short day, for the choosing of Representatives to the General Assembly, and also for the election of Sheriffs and Coroners, for the ensuing year ; and

*Resolved*, That the petition aforesaid, with the papers attending the same, be sent to the House of Assembly for their perusal, and that that House be requested to appoint a committee to confer with a committee of Council on the subject matter of the said petition, who shall severally report thereon.

*Ordered*, That Mr. Baning wait on the House of Assembly with the said petition and a copy of the foregoing order and resolve.

Who, being returned, reported that he had delivered the same according to order.

*Resolved*, That Mr. Vandyke, Mr. Bassett, and Mr. Collins be a committee to bring in the bill aforesaid for holding an election in Sussex County at some short day.

Adjourned till 3 o'clock.

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EODEM DIE, P. M.

The Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a "Bill to remedy the loss of divers Public Seals of Office in the County of New Castle," which, by order, was read the first time.

And also the following resolution, to wit :

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,  
"WEDNESDAY, P. M., December 10, 1777.

*"Resolved*, That Messrs. Craghead, Lockwood, and Black be

“a Committee of Accounts for the present year ; and that Mr. Craghead wait on the Council and propose to them the appointment of a committee of their body to join the committee of this House in the business referred to them, if they think proper.”

Which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., December 11th, 1777.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., December 12th, 1777.

The Council met. Present the same members as on yesterday.

The committee appointed to bring in a bill for holding an election in Sussex County at some short day, now delivered one in, which, by order, was read the first time.

On motion, by special order,

The same was read the second time by paragraphs and passed, and ordered to be transcribed, and that Mr. Banning wait on the House of Assembly with the transcribed bill for their consideration and concurrence.

A message from the Vice-President to the General Assembly, respecting the advance of a sum of money to Lieutenant Colonel

Pope, to purchase clothing for the Delaware Battalion in the Continental service, was delivered at the table, and, by order, read the first time.

On motion and order,

The resolve of the House of Assembly of Wednesday last, for the appointment of a Committee of Accounts for the present year, was referred to Messrs. Bassett and Vandyke, to report thereon to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., December 13th, 1777.

The Council met. Present the same members as on yesterday.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair certain resolutions for the borrowing of seven hundred and fifty pounds, on the credit of the State, to be put into the hands of Lieutenant Colonel Charles Pope, to enable him to proceed in the purchase of clothing for the Delaware Regiment.

Which, by order, were read, and an amendment proposed by way of addition to the last resolve being agreed to, the same was transcribed.

*Ordered*, That Mr. Hyatt wait on the House of Assembly with the said resolutions and the amendment proposed thereto for their consideration and concurrence.

Who, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Col. Jones, who had been absent, now appeared in Council.

The committee to whom the resolve of the House of Assembly of Wednesday last, for the appointment of a Committee of Accounts for the present year, was referred, do now report it as their opinion that the following message be sent to the House of Assembly, to wit :

*Gentlemen :*

The Council have taken your resolution of Wednesday last, for the appointment of a Committee of Accounts for the present year, into consideration, and are of opinion that the whole business cannot be well executed by one committee. By the generality of the appointment, accounts between this State and the United States, future accounts of the Militia within this State, Loan Office accounts, Military Treasurers' accounts, with some others, will be included. This, we apprehend, was not intended by you ; but, if so, we cannot consent thereto. To state the accounts of expenditures by this State for and in behalf of the Continent will be a tedious business, requiring knowledge, attention and care, and it may be too burthensome to exact any other service of the committee who may be appointed for that purpose. Therefore we submit it to you whether it is not necessary to appoint committees severally for the several services.

Which being agreed to,

*Ordered*, That the same be transcribed and signed, and that Mr. Jones deliver the same to the House of Assembly.

Who, being returned, reported that he had delivered the same according to order.

On motion and order,

The bill to remedy the loss of divers Public Seals of Office in the County of New Castle was read a second time, and, upon consideration thereof, divers amendments were proposed and agreed to.

*Ordered*, That the same be transcribed and sent by Mr. Bassett to the Assembly.

Who, being returned, reported that he had delivered the same according to order.

It appearing to the Council that the committee appointed by the General Assembly, at their meeting in January last, to procure the making and engraving of a Great Seal of this State, have not yet completed that business, and that the Seal of New Castle County, ordered by the General Assembly to be the Great Seal of this State *pro tempore* until the seal to be procured as aforesaid should be delivered to the President, hath fallen into the hands of the enemy, and still is in their possession, by means whereof there is not at this time any Great Seal of the State to affix to laws and commissions; therefore

*Resolved*, That the ancient Seal of the County of Kent, dated '83, shall be held and deemed to be the Great Seal of the State *pro tempore*, until the Great Seal ordered to be made and engraved as aforesaid shall be delivered to the Commander-in-Chief of the State.

*Ordered*, That Mr. Bassett wait on the House of Assembly with this resolve, for their concurrence.

Who, being returned, reported that he had delivered the same according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a "Bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns;" and a "Bill directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned," for the consideration and concurrence of Council.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., December 15th, 1777.

The Council met. Present the same members as on Saturday.

On motion and order,

The "Bill directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned," was read the first time.

Ordered also,

That the "Bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns," have its first reading, which was done accordingly.

On motion and order,

The "Bill directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned," was read a second time.

Ordered also,

That the "Bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns," have its second reading, which was done accordingly.

*Ordered,* That both the said bills be committed to Messrs. Collins, Vandyke, and Jones, to report thereon.

A member from the House of Assembly returned to the Chair the resolution for adopting the ancient Seal of Kent County as the Great Seal of this State *pro tempore*, with the concurrence of the

House of Assembly thereto ; and also the bill to remedy the loss of divers Public Seals of Office in the County of New Castle, with the amendments proposed by the Council, to which the House of Assembly also agreed.

*Ordered*, That the said bill be engrossed.

A member of the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution, to wit :

“ IN THE HOUSE OF ASSEMBLY,  
“ MONDAY, December 10, 1777.

“ On motion,

“ *Resolved*, That this House will, to-morrow in the forenoon, “ adjourn for this present sitting to some future day.”

“ *Ordered*, That Major Bryan wait on the Council with a copy “ of the above resolution respecting the adjournment of the General Assembly.”

Which being read and considered,

*Resolved*, That a committee of Council be named to confer with a committee of the House of Assembly on the subject of the said resolution.

Whereupon Messrs. Vandyke and Bassett were appointed.

*Ordered also*, That Mr. Vandyke deliver the following verbal message to the House of Assembly, to wit :

*Gentlemen :*

The Council having received a notice from your House of their intention to adjourn to-morrow in the forenoon, do apprehend that the business now before them and necessary to be completed before the rising of the General Assembly cannot be gone through by the time limited by you ; therefore the Council do propose to the House of Assembly the appointment of a committee of their House to confer with Messrs. Vandyke and Bassett, a committee of Council, on the subject of the adjournment, as proposed by the House of Assembly.

Mr. Vandyke, being returned, reported that he had delivered the same according to order.

A member from the House of Assembly informed the Chair that Messrs. Patterson, Craghead, and Bryan were appointed a committee to confer with the committee of Council as to the time of adjourning.

The said committee of conference met and agreed that it be recommended to the House of Assembly to reconsider their resolution for adjourning to-morrow in the forenoon.

A message from the Vice-President to the General Assembly, with a resolution of Congress of the 14th of November last, respecting the sufficiency of the force within the State to prevent the disaffected from furnishing the enemy with provisions, and also a request for a speedy representation of the State in Congress, was delivered at the table, and, by order, read the first time.

On motion,

*Ordered*, That Col. Collins wait on the House of Assembly and propose to them the choosing of Delegates for this State to Congress for the ensuing year, by joint ballot of both Houses, to-morrow, at 3 o'clock, P. M.

Who, being returned, reported that he had delivered the same according to order.

Mr. Bassett having applied for leave of absence for a few days, it is granted to him.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following message from the Assembly, to wit :

**"A MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.**

*" Gentlemen :*

*" The House of Assembly have taken into their consideration  
" your proposition relative to the choice of Delegates from this  
" State to Congress, and think it expedient that both Houses  
" should, previous to the election, meet and put in nomination  
" persons qualified for Delegates to Congress, agreeable to the*



“mode heretofore used by both Houses in such cases; and therefore this House propose to the Council to meet at 10 o'clock to-morrow morning, at such place as the Council may think proper.”

Which, being read, was agreed to, and the following answer, drawn up at the table, was ordered to be sent to the House of Assembly, to wit :

AN ANSWER FROM THE COUNCIL TO A MESSAGE FROM THE  
ASSEMBLY.

*Gentlemen :*

The Council agree to the meeting proposed by the House of Assembly at 10 o'clock to-morrow morning, to put in nomination persons who shall be balloted for as Delegates to Congress, and that the place of meeting be in the Council Room.

Mr. Hyatt, appointed to deliver the same, reported that he had so done according to order.

A member from the House of Assembly, attending at the door, was admitted and informed the Chair that the House of Assembly acceded to the place of meeting fixed by the Council.

Adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, A. M., December 16th, 1777.

The Council met. Present the same members as on yesterday except Mr. Bassett, and adjourned till to-morrow morning.

WEDNESDAY, A. M., December 17th, 1777.

The Council met. Present the same members as on yesterday.

Mr. Clayton, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following message, to wit :

"A MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

" *Gentlemen :*

" The House of Assembly, being unable to meet yesterday  
" by the absence of one of their members, could not attend the  
" Council for the purpose of putting in nomination persons quali-  
" fied for Delegates to Congress, agreeable to the joint resolution  
" of both Houses, do therefore propose to meet the Council  
" forthwith for the purpose aforesaid ; and they also propose to  
" your honorable House that both Houses proceed to the elec-  
" tion, by joint ballot, at 3 o'clock. P. M.

" Signed by order of the House.

" SAM'L WEST, *Speaker.*

" Dover, 17th December, 1777."

Which being read, the Council agreed to the time of nomination and balloting for Delegates as proposed in the said message.

*Ordered,* That Mr. Banning wait on the House of Assembly and inform them thereof, and that the Council are now ready to receive the House of Assembly in the Council Room.

Who, being returned, reported that he had delivered the same according to order.

The Council and Assembly being met in the Council Room, to put in nomination persons who are to be balloted for as Delegates to Congress, agreeable to the order of the day, on a motion made that the General Assembly do fix upon the number of Delegates that shall represent the State in Congress the en-

suings year, previous to the putting any person in nomination it is unanimously agreed that three persons shall be chosen for this service.

Then the members proceeded to put in nomination divers persons, whose names being taken down for the consideration of the members of both Houses, the General Assembly adjourned till 3 o'clock in the afternoon.

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#### EODEM DIE, P. M.

The General Assembly met.

Then the members of both Houses proceeded to the ballot, which, being taken down, it appeared that Cæsar Rodney, Nicholas Vandyke, and Thomas McKean, Esquires, had a majority of voices, and are declared duly elected Delegates from this State to Congress for the ensuing year.

Then the members of Assembly withdrew.

The committee to whom the bills directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned, and also the bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns, were committed, report it as their opinion that the subject matter of the said two bills hath relation to each other and ought to be formed into one bill; and the committee further report that they essayed the draught of such a bill, by way of amendment to the said two bills, which they submit to the correction of the Council.

On motion and order,

The said bill of amendment was read the first time.

By special order the same was read the second time, and, after some amendments, was agreed to, and ordered to be transcribed.

*Ordered*, That Mr. Vandyke wait on the House of Assembly with the said transcribed bill for their consideration and concurrence.

Mr. Bryan, a member from the House of Assembly, attending, was admitted and delivered to the Chair a "Bill empowering the President or Commander-in-Chief of the Delaware State to draw out of the Loan Office of Kent County the sum of five thousand pounds ;" and also the resolutions for borrowing seven hundred and fifty pounds, on the credit of the State, to be put into the hands of Lieutenant Colonel Pope to purchase clothing for the Delaware Regiment, with the amendment proposed by the Council by way of addition to the last resolve, to which the House of Assembly had agreed, and accordingly added a further resolution, setting forth the loan of the aforesaid sum of seven hundred and fifty pounds by Vincent Loockerman, and charging this State with repayment of the same with interest.

Council adjourned till Friday morning, 10 o'clock.

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FRIDAY, A. M., December 19th, 1777.

The Council met. Present all the members as on Wednesday, and also Mr. Bassett.

On motion,

The resolutions for borrowing seven hundred and fifty pounds on the credit of the State, and for repaying the same with interest, were read and concurred in, and are as follows, to wit :

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,

"FRIDAY, P. M., December 12th, 1777.

"*Resolved*, That the sum of seven hundred and fifty pounds "be borrowed upon the credit of this State, and that the Vice-

“President sign certificates to the person or persons lending the same.

“*Resolved*, That this House will devise ways and means for the repayment to the lender or lenders thereof.

“*Resolved*, That the said sum of seven hundred and fifty pounds be put into the hands of Lieutenant Colonel Charles Pope, to enable him to proceed in the purchase of clothing for the Delaware Regiment aforesaid, and that Colonel Pope be accountable for the expenditure thereof to the General Assembly, or to the President or Vice-President of the State for the time being in the vacation of Assembly, in order that the State may have the said sum refunded by Congress.

“WEDNESDAY, P. M., December 17th, 1777.

“It appearing to the House that Vincent Loockerman, of Dover, in the County of Kent, on the sixteenth day of December instant, had paid into the hands of the Vice-President of this State, in pursuance of the joint resolution of both Houses, made on Saturday last, the sum of seven hundred and fifty pounds, lawful money, for the use of this State.

“*Resolved*, That this State be chargeable with, and the same is hereby made chargeable with the said seven hundred and fifty pounds, to be paid to the said Vincent Loockerman, his executors, administrators, or assigns, at any time within one year from this date, with interest at the rate of six per cent. per annum, from the sixteenth day of December, instant, until the same be repaid.

“*Ordered*, That Mr. Bryan wait on the Council with the resolutions for the borrowing seven hundred and fifty pounds, upon the credit of the State, and putting the same into the hands of Lieutenant Colonel Pope to purchase clothing for the Delaware Regiment, and inform them that this House has acceded to the amendment proposed thereto, and that he deliver a copy of the last resolution for their consideration and concurrence.”

On motion and order,

The bill empowering the President or Commander-in-Chief to draw out of the Loan Office of Kent County the sum of five thousand pounds, was read the first time.

By special order the same was read a second time, and thereupon committed to Messrs. Bassett and Vandyke to report thereon.

The committee report divers amendments as necessary to the said bill, which, being read, were severally agreed to.

*Ordered*, That the said bill, with the amendments, be sent to the House of Assembly for their consideration and concurrence.

Colonel Jones is appointed for this purpose, and also to return the resolutions for the borrowing of seven hundred and fifty pounds, on the credit of the State, and for the repaying the same, with the concurrence of the Council thereto.

Who, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

On motion and order,

That a certificate of the appointment of the Delegates to the Congress, as chosen on Wednesday, the 17th inst., in the General Assembly, expressing the powers they are to be invested with, be drawn up and sent to the House of Assembly for their concurrence, which, being done and transcribed, was, by order, read and agreed to, as follows, to wit :

WHEREAS Caesar Rodney, Nicholas Vandyke, and Thomas McKean, Esquires, have been chosen, by joint ballot of the two Houses of Assembly, to represent the Delaware State in the Continental Congress,

*Resolved*, That they, or any one or more of them, are hereby fully authorized and empowered, for and in behalf of this State, to concert, agree to, and execute any measure which they or he, together with a majority of the Continental Congress, shall judge

necessary for the defence, security, interest, and welfare of this State in particular and America in general; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage.

Mr. Hyatt is ordered to deliver the same to the House of Assembly for their concurrence.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

Mr. Armstrong, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a "Bill for defraying the expenses of the General Assembly," which, by order, was read the first time.

By special order the same was read a second time, and, upon the vote, postponed.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the certificate of the appointment of the Delegates to the Congress, as chosen on Wednesday, the 17th instant, in the General Assembly, expressing the powers they are to be invested with, with the concurrence of the House of Assembly thereto.

The same member also delivered to the Chair the following message from the Assembly, to wit :

**"A MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.**

*"Gentlemen :*

"This House having sent to the Council, on Wednesday last, for their consideration and concurrence, a bill entitled 'An act empowering the President, Vice-President, or Commander-in-Chief, to draw out of the Loan Office of Kent County the sum of five thousand pounds, part of the sum emitted by an act entitled, 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same ;' and the said bill being returned to the House this day, by a member of Council, with a bill entitled 'A supplement to an act entitled 'An act for printing and

“emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills, for the use of this State, and for providing a fund for sinking the same,” which, by a verbal message, was said to be an amendment to the first mentioned bill; this being contrary to the mode of proceeding used in such cases by both Houses (it having been usual heretofore, as this House conceives, to point out amendments particularly in writing,) the House of Assembly desire to know, by a written message, whether the said supplementary bill was intended as amendatory of the said first mentioned bill or not.

“Dover, Dec. 19, 1777.”

And the same being taken into consideration, an answer was drawn up at the table, and ordered to be transcribed and signed by the Speaker, and is as follows, to wit :

AN ANSWER FROM THE COUNCIL TO A MESSAGE FROM THE  
ASSEMBLY.

*Gentlemen :*

The Council, when they sent the bill entitled “A supplement to an act entitled ‘An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,’” intended the same as an amendment to the bill sent from the House of Assembly entitled “An act empowering the President, Vice-President, or Commander-in-Chief to draw out of the Loan Office of Kent County the sum of five thousand pounds, part of the sum emitted by an act entitled ‘An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills, for the use of this State, and for providing a fund for sinking the same,’” as appears by the verbal message delivered by the member of the Council who returned the original bill, together with the amendment. The Council were induced to this proceeding, (tho’ not strictly regular,) merely for the saving of time. From the notice sent by your House, on Monday last, of their intention to adjourn, and the conference of the committees thereon, the Council apprehended that some of the usual forms of proceeding must be dispensed



with, or otherwise much of the business before both Houses would be left unfinished ; however, we do not mean or wish to establish it as a precedent, and if the House of Assembly shall think it necessary to return the two bills thus sent, the Council will proceed on the bill from your House in the usual mode.

*Ordered*, That Mr. Bassett deliver the same to the House of Assembly.

Who, being returned, reported that he had delivered the same according to order.

A member from the House of Assembly, attending, was admitted and returned the bill directing the choice of Assessors for the present year in the County of New Castle, and reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns, with an amendment, which, being agreed to, was made therein.

*Ordered*, That Mr. Vandyke wait on the House of Assembly with the said bill and inform them that the Council acceded to the amendment proposed.

Mr. Vandyke returned and reported that he delivered the bill and message according to order.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolution, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, December 19th, 1777.

“ The House resumed the consideration of one of the resolutions of Council of the 29th of October, referred to in a message from the Council of the 10th instant, which has not been acted upon by this House, and is as follows, to wit :

“ That a committee of three persons be appointed to receive, examine, and adjust the accounts of expenses which have accrued and become due to the Militia of the Counties of New Castle and Kent for former service, viz : Robert Bryan, Robert Armstrong, and Thomas Montgomery, gentlemen ; and also

“that a committee of three persons, viz : John Jones, John Rodney, and John Clowes, gentlemen, be appointed in the County of Sussex, to receive, examine, and adjust the accounts of expenses which have accrued and become due to the Militia of said County for former service, and make report thereof to the President, who is to pay the same accordingly.

“And thereupon

“*Resolved*, That this House concur in the said resolution.

“*Ordered*, That the above be transcribed, and that Mr. Craghead wait on the Council and deliver the same.

*Ordered also*, That Mr. Craghead inform the Council that this House intends, to-morrow, in the afternoon, to adjourn to some future day.”

Which, by order, was read the first time.

The memorial of Ephraim Blaine, Deputy Commissary General of Purchase for the Continental Army, was read the first time and ordered to be delivered to the Assembly for their perusal. Col. Jones is appointed for this purpose, who, being returned, reported that he had delivered the same according to order.

Adjourned till to-morrow, 10 o'clock, A. M.

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SATURDAY, A. M., December 20th, 1777.

The Council met. Present the same members as on yesterday.

On motion,

The resolution of Council of the 29th of October, with the concurrence of the House of Assembly, delivered the last evening, was read, and, upon consideration, the following message

was drawn up at the table and agreed to be sent to the House of Assembly, to wit :

*Gentlemen :*

We received a resolution by member of your House last evening concurring in a resolution of the 29th of October last, for the appointment of two several committees for adjusting the accounts due to the Militia of the State for former service, and referred to, among other things, in our message to you of the 10th instant, but without any alteration in the form of that part of the resolution respecting the report to be made by these committees. When the Council adopted this resolution, it was a doubt with them whether your House could or would have been formed in the course of the year, and therefore extremely uncertain when a General Assembly would meet ; but this being obviated, this Council took an early opportunity to lay the whole before you, wishing you to make further provision and supply the irregularity of a proceeding adopted from necessity. But as the House of Assembly have not done more than return a general concurrence, the Council beg leave to recommend to the Assembly a reconsideration of that resolution, and submit whether it is not necessary to direct the report to be made to the General Assembly, in order the allowances therein may receive such approbation as is usual in such cases, and that it may be a voucher in the State's account against Congress, without which sanction, we doubt, it will not be considered a proper voucher. The demand of the State will be considerable, and a risque of this sort should be avoided while in our power. We beg leave, also, to remind you that you have not acted upon all the resolutions of the 29th of October last. A material one is omitted, to wit : that which recommends it to the President to draw for the balance of the ten thousand pounds emitted for the support of the State and apply the same to discharge the debts to be ascertained by the committees aforesaid.

*Ordered,* That Mr. Baning deliver the same.

Who, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion,

*Resolved*, That Messrs. Cæsar Rodney, James Sykes, and Eleazar M. Coombs be a committee to state an account of the monies advanced by the State, or on the credit thereof, for recruiting the Delaware Battalion in the two last campaigns, and of the expenditures of the same; and also to state an account of expenditures by this State for and in behalf of the United States, and that the said committee be empowered to send for persons, papers and things.

On motion,

*Resolved*, That the Prothonotary of the Court of Common Pleas for Kent County do deliver the ancient Seal of the said County, dated '83, used in his office, unto the Vice-President or Commander-in-Chief of the State, the same seal being established as the Great Seal of this State, until a new one is made and delivered to the Commander-in-Chief, and then it is ordered that the seal aforesaid be redelivered to the Prothonotary.

Which, by order, was read the first time, and agreed to be sent to the House of Assembly for their concurrence.

*Ordered*, That Col. Collins deliver the said resolutions to the House of Assembly for concurrence.

Who, being returned, reported that he had delivered the same according to order.

Mr. Armstrong, a member from the House of Assembly, attending at the door, was admitted and returned to the Council "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,' " with the concurrence of the House of Assembly thereto.

WHEREAS the two months limited for the service of the 600 Militia ordered to be raised by a resolution of the Council of the 29th October last, for the protection and defence of the State, is near expiring, and the present situation of the public affairs in the State requires that a standing body of the Militia be kept up ; therefore

*Resolved*, That the like number of Militia be continued in the service of the State for other two months, unless sooner discharged by the Commander-in-Chief, and that they be furnished in the same proportion as by the said resolution of the 29th of October last is directed.

*Ordered*, That Mr. Vandyke deliver the same to the House of Assembly for their concurrence.

Mr. Vandyke, being returned, reported that he had delivered the same according to order.

Mr. Stout, a member from the House of Assembly, attending, was admitted, and returned to the Chair the resolution of the Council for the appointment of Cæsar Rodney, James Sykes, and Eleazar McCombs, to be a committee to state an account of the monies advanced by this State, or on the credit thereof, for recruiting the Delaware Battalion in the two last campaigns, and of the expenditures of the same, and of the expenditures of this State in behalf of the United States. Also the resolution of Council for the delivery of the ancient Seal of Kent County to the Vice-President. And also the resolution of Council for continuing 600 Militia in the service of the State for other two months, unless sooner discharged by the Commander-in-Chief, with the concurrence of the House of Assembly to each of the said resolutions.

The bill entitled "An act to remedy the loss of divers Public Seals of Office in the County of New Castle," and the bill entitled "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,' " being severally examined and compared, the Council agree that the same be enacted into laws.

*Ordered*, That Mr. Bassett return the same to the House of Assembly, to be signed by their Speaker.

Mr. Lockwood, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolves, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, P. M., December 20, 1777.

“ The House resumed the consideration of the message sent from Council this afternoon, and thereupon

“ *Resolved*, That a committee of three persons be appointed to “ receive, examine, and adjust the accounts of expenses which “ have accrued and become due to the Militia of the Counties of “ New Castle and Kent for former service, viz : Robert Bryan, “ Robert Armstrong, and Thomas Montgomery, gentlemen; and “ also that a committee of three persons, viz : John Jones, John “ Clowes, and John Rodney, gentlemen, be appointed in the “ County of Sussex, to receive, examine, and adjust the accounts “ of expenses which have accrued and become due to the Militia “ of said County for former service, and make report thereof to “ the General Assembly of Delaware at their next meeting.

“ *Resolved*, That the Vice-President or Commander-in-Chief “ be empowered to draw for and apply the balance of ten thou- “ sand pounds, emitted for the support of this State by an act “ entitled ‘An act for printing and emitting fifteen thousand “ pounds in Bills of Credit of this State, to be let out on loan, “ and for striking the further sum of ten thousand pounds in such “ bills for the use of this State, and for providing a fund for sink- “ ing the same,’ towards the discharge of the debts due to the “ Militia heretofore called out.”

Which, by order, was read the first time.

The same, by special order, was read the second time and concurred in.

*Ordered*, That Mr. Baning return the same to the House of Assembly with the concurrence of Council thereto.

Who, being returned, reported that he had delivered the same according to order.

Dr. Molleston, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill entitled "An act to remedy the loss of divers Public Seals of Office in the County of New Castle;" also the bill entitled "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same;'" and also the "Bill directing the choice of Assessors for the present year in the County of New Castle, and reviving the Levy Court and Court of Appeal for the County of New Castle, and for reestablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns," signed by the Speaker of the House of Assembly.

*Ordered*, That the said bills be signed by the Speaker of the Council, which was done accordingly.

On motion,

*Resolved*, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws, to wit :

1. "An act to remedy the loss of divers Public Seals of Office in the County of New Castle ;"
2. "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same;'"
3. "An act directing the choice of Assessors for the present year in the County of New Castle, and reviving the Levy Court and Court of Appeal for the County of New Castle, and for re-establishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns ;"

Passed this session.

Mr. Davis, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following report, to wit :

"IN THE HOUSE OF ASSEMBLY,  
"SATURDAY, P. M., December 20th, 1777.

"The House resolved itself into a Grand Committee to consider of certain accounts brought in for the service of the State, and after some time spent therein the Chairman of the Committee reported that they had allowed the following accounts, to wit :

"To the Honorable Thomas McKean, Esquire, .	£	90	0	11½
"To James Sykes, Esq., for signing paper money "and expenses in attending Congress, . . . .		55	1	9
"To Richard Lockwood and John Clarke, Es- "quires, each £ 16, for signing paper money, .		32	0	0
"To Philip Barratt, Esq., Sheriff of Kent County, "for public services, . . . . .		29	0	0
"To Thomas Wild, Goaler of Kent County, . .		6	10	3
"To James Booth, as Secretary and Clerk of As- "sembly, for former services, &c., . . . . .		42	4	6
		<hr/>		
		£	254	17 5½

Which said report was agreed to by the House of Assembly and sent to the Council for concurrence, and returned with the concurrence of Council thereto.

*Ordered,* That Mr. Bassett deliver to the House of Assembly the several laws passed this session, signed by the Speaker of the Council, together with a resolve of Council for affixing the Great Seal to the said laws.

Who, being returned, reported that he had delivered the same according to law.

A member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolve, to wit :

"IN THE HOUSE OF ASSEMBLY,  
"SATURDAY, P. M., December 20, 1777.

"On motion,

"*Resolved,* That the Vice President and Commander-in-Chief  
"be empowered to draw on the Trustees of the Loan Offices of



"this State for the several sums agreed by the General Assembly  
 "to be due to the following persons, out of the interest monies  
 "in the said offices, viz :

"To the Honorable Thomas McKean, Esquire, . . .	£ 90	0	11½
"To James Sykes, Esquire, . . . . .	55	1	9
"To Richard Lockwood and John Clarke, Esq's, . . .			
"£ 16 each, . . . . .	32	0	0
"To Philip Barratt, Esquire, . . . . .	29	0	0
"To Thomas Wild, . . . . .	6	10	3
"To James Booth, Esquire, . . . . .	42	4	6

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Which said resolve was agreed to by the House of Assembly  
 and sent to the Council for concurrence, and returned with the  
 concurrence of Council thereto.

Then the Council proceeded to the settlement of the per diem,  
 wages and mileage of the members, and the accounts of their  
 officers for the present meeting, and the following allowances  
 were made, viz :

To George Read ( <i>Speaker</i> ), Nicholas Vandyke, ) Peter Hyatt, Thomas Collins, John Baning, ) Richard Bassett, and John Jones, Esq's, for ) for 21 days' attendance and mileage, . . . . .	£ 100	11	4
To Mr. Benjamin Vining, Clerk, . . . . .	11	19	6
To Nathaniel Smithers, Jun., Doorkeeper, . . . . .	4	0	0
To Mr. French Battell, for fire, candles, &c., . . . .	15	0	0
To Mr. French Battell, for sundry expenses of the Council, . . . . .	150	18	3
	£ 282	9	1

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*Ordered*, That the Speaker draw orders on the Trustees of  
 the Loan Offices of Kent and Sussex for the payment of the  
 several sums aforesaid.

Whereupon the said orders were drawn and signed by the  
 Speaker.

Then the Council adjourned to the first Monday in March next.



# MINUTES OF COUNCIL.

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FEBRUARY, 1778.



# VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

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SPECIAL SESSION, FEBRUARY, 1778.

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At a meeting of the Council at the Town of Dover, in the County of Kent, by a special order of the Vice-President, on Tuesday, the seventeenth day of February, Anno Domini 1778, a sufficient number of members to compose a House not attending, the Council adjourned from day to day till Thursday, February 19th, 1778.

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THURSDAY, February 19th, 1778.

The Council met, but a quorum of the House of Assembly not attending, the Council adjourned from day to day till Saturday, February 21st, 1778.

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SATURDAY, February 21st, 1778.

The Council met.

The following members appeared in the Council, viz :

*For New Castle County*—George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt.

*For Kent County*—Richard Bassett, John Baning, Thomas Collins.

*For Sussex County*—Col. John Jones.

A message from the Vice-President to the General Assembly, respecting the raising of the Militia for reinforcing General Smallwood, at Wilmington, in compliance with the requisition of his Excellency General Washington of the 19th of December last, in order to prevent any attempt of the enemy to get possession of that port, and the neglect of the Militia to obey the orders for their march owing to the deficiency of the law ; and also respecting the recruiting of the Delaware Battalion, either by drafting or otherwise, agreeable to a further requisition of his Excellency General Washington, contained in his letter of the 19th of January last, together with copies of the said letters, was delivered at the table,

And, on motion and order, the same were read.

Mr. Bryan, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following order of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, February 21st, 1778.

“ The House took into consideration that part of the message  
“ from his Honor the Vice-President, recommending measures  
“ to be taken for the completion of the Delaware Regiment, and  
“ thereupon

“ *Ordered*, That Mr. Bryan wait on the Council and propose to  
“ them the appointment of a committee of their body to join with  
“ a committee of this House to consider of the best methods for  
“ the speedy completing of the said regiment, who may severally  
“ report thereon.”

Which, by order, was read and agreed to, and Messrs. Collins, Vandyke, and Jones are appointed on the part of the Council a committee of conference on the business aforesaid.

*Ordered*, That Mr. Bassett wait on the House of Assembly with this resolution of concurrence and appointment.

Who, being returned, reported that he had delivered the same according to order.

Mr. Stout, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill entitled "An act to enable the Sheriff of the County of Sussex to hold an election in said county to elect members of the General Assembly, Sheriffs and Coroners for the said county for the ensuing year," with amendments thereto, which, by order, were read and agreed to, and the amendments were accordingly made in the bill.

*Ordered*, That Mr. Vandyke wait on the House of Assembly and inform them that the Council had acceded to their proposed amendments in the bill aforesaid.

Mr. Vandyke, being returned, reported that he had delivered the same according to order.

*Ordered*, That the said bill be engrossed.

Upon the question, it is

*Resolved*, That the seat of Daniel Dingee in the Council became vacant on the first day of October last, and the member of Council to be chosen under the bill now passed for holding an election in the County of Sussex is to supply that vacancy.

It appearing to the Council that Samuel Shelton Sloss, a member of this House, died lately, on motion

*Ordered*, That the Speaker issue a writ to the Sheriff of Sussex County, directing him to hold an election on the second day of March next for the choosing a new member to supply the vacancy occasioned by the death of Mr. Sloss.

The bill for the holding an election in Sussex County, being engrossed, was read and compared and passed the Council.

*Ordered*, That Mr. Jones deliver the same to the House of Assembly for comparison and to be signed by the Speaker of that House.

Mr. Jones, being returned, reported that he had delivered the same according to order.

Mr. Stout, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill for the holding an election in Sussex County, signed by the Speaker of the House of Assembly.

*Ordered*, That the said bill be signed by the Speaker of the Council, which was done accordingly.

On motion,

*Resolved*, That the Vice-President and Commander-in-Chief affix the Great Seal of this State to the act entitled "An act to enable the Sheriff of the County of Sussex to hold an election in said county to elect members of the General Assembly, Sheriff, and Coroners for the said county for the ensuing year."

Adjourned till Monday morning, 10 o'clock.

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MONDAY, February 23d, 1778.

The Council met. Some of the members attending the committee, the Council adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, February 24th, 1778.

The Council met. Present the same members as on yesterday, except Col. Jones.

The committee of Council appointed to confer with a committee of the House of Assembly on the subject matter of completing the Delaware Regiment, now delivered their report at the table, which, by order, was read the first time.



Dr. Ridgely, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair certain resolutions founded on the report of the committee of conference for completing the Delaware Regiment, which, by order, were read the first time.

By special order the same were read a second time, and divers amendments being proposed and agreed to, were ordered to be transcribed and sent to the House of Assembly for their concurrence.

*Ordered*, That Mr. Hyatt wait on the House of Assembly with the said resolutions and amendments.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., February 25th, 1778.

The Council met. Present the same members as on yesterday.

Dr. Molleston, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the amendments proposed by the Council to the resolutions of the Assembly for the completing of the Delaware Regiment, some of which the House of Assembly agreed to, and to others they proposed further amendments.

The same member also delivered to the Chair the following notice of that House, to wit :

“IN THE HOUSE OF ASSEMBLY,

“WEDNESDAY, A. M., February 25th, 1778.

“*Ordered*, That Mr. Molleston wait on the Council and inform them that this House proposes, in the afternoon, to adjourn for “a few days.”

The Council took into consideration the amendments proposed by the Assembly to the amendments of the Council, and there-upon

*Resolved*, That the following message be sent to the House of Assembly, to wit :

*Gentlemen :*

The Council have taken into consideration the amendments proposed by your House to the amendments offered by the Council to the resolutions, founded on the report of the committee of conferees, for filling the Delaware Regiment, and are of opinion that if adopted they will not answer the end intended by your House, and also apprehend that the reasons for their amendments have not been fully understood or perhaps your House would not have disagreed to some of the amendments at least ; and as this business requires dispatch, as well from the nature of it as from the intention of the Assembly to adjourn this afternoon for a few days, the Council propose to the House of Assembly a committee of conference on the subject matter of the several amendments proposed by each House for the more speedy settling of this business, which, if approved of, the Council will immediately name members of their body to attend the conference forthwith.

*Ordered*, That Mr. Bassett wait on the House of Assembly with the same message.

Who, being returned, reported the delivery thereof.

Mr. Clark, a member from the House of Assembly, attending at the door, was admitted and informed the Chair that that House acceded to the proposed conference, and that Messrs Patterson, Ridgely, Clayton, Armstrong, and Lockwood are appointed by the House of Assembly for that purpose.

And, on motion, Messrs. Bassett, Vandyke, and Baning are appointed conferees on the part of the Council.

*Ordered*, That Mr. Hyatt inform the House of Assembly of this appointment.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Lockwood, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of the House of Assembly, as agreed to and reported by the committee of conference :

“IN THE HOUSE OF ASSEMBLY,  
“WEDNESDAY, P. M., February 25th, 1778.

“The committee appointed to confer with a committee of Council on the amendments proposed by each House to the resolutions for the completing of the Delaware Regiment, reported the following resolutions to be adopted in the place of the resolutions before mentioned, which were, by order, read and agreed to by the House, to wit :

“*Resolved, nemine contradicente*, That in order to fill up the said regiment speedily, which appears to be deficient in number four hundred and twenty men, rank and file, every officer be allowed thirty-five dollars for each able-bodied soldier he hath enlisted since the first day of February instant, or that he may enlist before the first day of May next, for the term of three years, or during the war, and who shall pass muster.

“That an additional bounty of forty-five dollars be given to every soldier so as aforesaid enlisted, or that may be enlisted.

“That the Vice-President be empowered to borrow from Congress, in the name and on the behalf of the State, forty thousand dollars, to carry the business aforesaid into execution, and this House will devise ways and means for the repayment of the said sum.

“*Resolved also*, That if the said sum of forty thousand dollars cannot be obtained from Congress, that the like sum be borrowed from private persons on the credit of the State, and that the Vice-President sign certificates to the person or persons who may lend the same, and this House will devise ways and means for the repayment to the lender or lenders thereof.”

Which, by order, were read the first time.

By a special order the same were read a second time and concurred in.

*Ordered*, That Mr. Hyatt wait on the House of Assembly and inform them that the Council had agreed to the said resolutions.

Mr. Hyatt, being returned, reported that he had done so according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a report from the committee appointed to adjust the accounts of expenses accrued and become due to the Militia of the Counties of New Castle and Kent for former service, examined and approved of by the House of Assembly, together with divers vouchers, for the consideration and concurrence of the Council.

And, on motion, the same report was read and ordered to lie on the table for consideration.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., February 26th, 1778.

The Council met.

The Speaker informed the House that he had received, since the rising of the Council on the last evening, a writing, subscribed by the Speaker of the Assembly, by way of notice, that the House of Assembly, on yesterday, had adjourned to Wednesday, the fourth of March next, which, by order, was read and filed.

The Council resumed the report from the Committee of Militia Accounts, and proceeded to the examination thereof with the vouchers, and, after some time spent thereon, ordered to lie over for further examination.

The Council adjourned to the fourth day of March next.

# MINUTES OF COUNCIL.

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MARCH, 1778.



# VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

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ADJOURNED SESSION, MARCH, 1778.

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At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Wednesday, the 4th day of March, Anno Domini, 1778, a sufficient number of members to compose a House not attending, the Council adjourned from day to day till Monday, March 9th, 1778.

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MONDAY, A. M., March 9th, 1778.

The Council met.

The following members appeared in the Council, viz :

*For New Castle County*—George Read (*Speaker*), Peter Hyatt.

*For Kent County*—John Baning.

*For Sussex County*—Col. John Jones, William Conwell.

The return of the Sheriff and Inspectors for the County of Sussex of the election of two Councillors to fill the vacant seats

of Daniel Dingee, Esq., whose seat became vacant on the first day of October last by rotation, and of Samuel Shelton Sloss, Esquire, who lately died, being delivered at the table, it appears that John Clowes, Esq., was elected a member of the Council for the County of Sussex, in the room of Daniel Dingee, under the act of Assembly passed at this session; and that William Conwell, gentleman, was elected a member of the Council for the said County of Sussex, in the room of Samuel Shelton Sloss, in pursuance of a special writ issued by the Speaker of the Council.

Mr. Conwell appeared in the Council, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of the State, and then took his seat in the Council. [*See note on page 10.*]

Adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, A. M., March 10th, 1778.

The Council met. Present the same members as on yesterday.

A message from the Vice-President to the General Assembly, respecting the reinforcing General Washington with 500 Militia, together with divers resolutions of Congress recommending the taking into consideration the Plan of Confederacy for the United States; the raising the State's quota of five millions of dollars in the current year by tax on the inhabitants of the State; the regulating the price of labor, manufactures, internal produce, and commodities imported from foreign parts, and the future supply of clothing for the battalion belonging to the State, was delivered at the table, and, by order, read the first time.

The Speaker laid before the Council certain resolutions of Congress recommending more effectual provision to be made for the detecting and punishing of deserters in the several States, and a letter from General Washington, representing the necessity of an adequate remedy for this evil; and the Council, taking into consideration the "Act against desertion and harbouring deserters,



or dealing with them in certain cases," are of opinion that the penalties therein are too low, and thereupon

*Resolved*, That a committee of three be appointed to prepare and bring in a bill for the further and more effectual detecting of deserters and punishing the harbourers of them.

And, on motion,

Messrs. Jones, Banning, and Conwell are appointed a committee for this purpose.

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., March 11th, 1778.

The Council met.

Mr. Collins appeared in the Council and took his seat. Some of the members attending the Committee, the Council adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., March 12th, 1778.

The Council met. Present the same members as on Tuesday.

Mr. Vandyke appeared and took his seat in Council.

The committee appointed to prepare and bring in a bill for the further and more effectual detecting of deserters and punishing the harbourers of them, now delivered one at the table, which, by order, was read the first time.

On motion, by special order,

The same was read a second time, and, sundry amendments

being proposed and agreed to, the same passed the Council, and ordered that the said bill be transcribed and sent to the House of Assembly for their consideration and concurrence.

Mr. Baning is appointed for this purpose, who, being returned, reported that he had delivered the same according to order.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., March 13th, 1778.

The Council met. Present the same members as on yesterday.

General Patterson, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolve, to wit :

“ IN THE HOUSE OF ASSEMBLY,  
FRIDAY, A. M., March 13th, 1778.

“ *Resolved*, That a committee be appointed to confer with a committee of Council on the subject matter of a resolution of Congress of the 22d of November last, recommending to the Legislatures, or, in their recess, to the Executive authority of the respective States, to cause subscriptions to be opened for the loan of monies to be invested in certificates from the respective Continental Loan Offices.”

Which, by order, was read and agreed to, and Messrs. Vandyke and Jones are appointed the conferees on the part of the Council to join a like committee to be appointed by the House of Assembly on the subject matter of the resolutions of Congress aforesaid.

*Ordered*, That Mr. Hyatt wait on the House of Assembly with the said resolutions with the concurrence and appointment of the Council.

Who, being returned, reported that he had delivered the same according to order.

The Council took into consideration the resolutions of Congress respecting the regulating of the price of labor, manufactures, internal produce, and commodities imported from foreign parts, and thereupon

*Resolved*, That a committee of three be appointed to prepare and bring in a bill for the purposes in the said resolutions mentioned.

And, on motion, Messrs. Vandyke, Collins, and Hyatt are appointed a committee for this purpose.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., March 14th, 1778.

The Council met. Present the same members as on yesterday.

On motion of Mr. Conwell for leave of absence till Monday next, the same is granted to him.

Adjourned till Monday morning at 10 o'clock.

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MONDAY, A. M., March 16th, 1778.

Council met and adjourned till Tuesday morning, 10 o'clock.

TUESDAY, A. M., March 17th, 1778.

The Council met.

Mr. Clowes, a member of the Council for Sussex County, appeared in the Council, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took his seat in the Council. [*See note on page 10.*]

Mr. Peery, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill for the further and more effectual detecting of deserters and punishing the harbourers of them, with some amendments, to which the Council agreed.

*Ordered*, That the said bill be engrossed, and that Mr. Bassett inform the House of Assembly that the Council have acceded to the proposed amendments.

Mr. Bassett, being returned, reported that he had so done according to order.

The Council took into consideration the resolve of Congress of September 3d last, recommending to the several States to take effectual measures for importing or otherwise procuring, during the ensuing winter, such supplies of arms, tents, or other military stores, blankets, clothing, medicines, and other necessary articles for their respective Militia, as may be wanted for the next campaign, and that they report to Congress the species and quantity of military stores manufactured in their respective States; and thereupon

*Resolved*, That a committee of three be appointed to take the said recommendation of Congress into consideration and report thereon.

On motion, Messrs. Clowes, Bassett, and Jones are appointed a committee for the purpose.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., March 18th, 1778.

The Council met. Present the same members as on yesterday.

The committee appointed to prepare and bring in a bill for regulating the price of labor, manufactures, internal produce, and commodities imported from foreign parts, now delivered one at the table, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., March 19th, 1778.

The Council met. Present the same members as on yesterday, except Mr. Hyatt.

A message from the Vice-President to the General Assembly, with the copy of a written paper, subscribed by the Representatives from the County of Sussex, addressed to the Vice-President, was delivered at the table, and, by order, read.

On motion

*Resolved*, That that part of the said message which relates to the application made to him for his orders to Brigadier Dagworthy, for the disarming of the disaffected in Sussex County and the taking up some of the principals, together with the copy of the written paper, be referred to a committee of three.

The persons appointed are Messrs. Vandyke, Collins, and Bassett.

The bill against desertion, being engrossed, was read and compared and passed the Council.

*Ordered*, That Mr. Baning deliver the same to the House of Assembly for comparison and to be signed by the Speaker of that House.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., March 20th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Baning now reported that he had delivered the bill against desertion to the House of Assembly according to the order of yesterday.

The committee to whom part of the message from the Vice-President of yesterday was referred now delivered their report at the table, which, by order, was read the first time.

By special order the same was read a second time, and, on consideration and debate, the same was rejected, and the following resolutions were agreed to, that is to say :

*Resolved*, That the Council is fully convinced that some of the disaffected inhabitants of the County of Sussex have taken up arms, much to the terror of the good people of said county and the encouragement of the British forces to land and make excursions there ; therefore

*Resolved*, That it is the opinion of this Council that, for the restoring peace and harmony in said county, the President of this State issue his orders immediately to General Dagworthy to disarm and take the ammunition from all the disaffected inhabitants of the said County of Sussex.

WHEREAS it has been represented that the recruiting officers have committed great abuses in the said County of Sussex,

*Resolved*, That the Justices of the Peace be directed to inquire into the foundation of the said complaints, and prevent such conduct in future.

*Ordered*, That Mr. Clowes wait on the House of Assembly with the foregoing resolutions for their consideration and concurrence.

Mr. Clowes, being returned, reported that he had delivered the same according to order.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A.-M., March 21st, 1778.

The Council met. Present the same members as on yesterday.

The Council adjourned to the 25th of this instant, March.

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At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Wednesday, the 25th day of March, Anno Domini 1778, a quorum of the House of Assembly not attending, the Council adjourned from day to day till Friday, March 27th, 1778.

FRIDAY, A. M., March 27th, 1778.

The Council met.

The following members appeared in the Council, viz :

*For New Castle County*—George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt.

*For Kent County*—Richard Bassett, Thomas Collins, John Banning.

*For Sussex County*—John Jones, John Clowes.

General Patterson, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled "An act for the further security of the Government," for the consideration and concurrence of the Council, which, by order, was read the first time.

The Council resumed the consideration of the report of the committee for adjusting the accounts of the Militia of New Castle and Kent Counties for past service, and several amendments were proposed and agreed to.

On motion,

*Ordered*, That a committee be appointed to draw up those amendments and draught a message to the House of Assembly, assigning the reasons for making the same.

And thereupon Messrs. Bassett and Clowes are appointed for this purpose.

Adjourned till to-morrow morning, 10 o'clock.



SATURDAY, A. M., March 28th, 1778.

The Council met. Present the same members as on yesterday.

The committee appointed to draw up the amendments as proposed in the Council to the report of the committee for adjusting the accounts of the Militia for New Castle and Kent Counties for past services, and also to draught a message to the House of Assembly assigning the reasons for making the same, now delivered their report, which, by order, was read the first time.

By special order the same was read the second time, and several amendments were proposed and agreed to. The said message and amendments are as follows, to wit :

1. In the general account for New Castle County, No. 1 and line 4 from the top, dele the words [bounty in Jerseys,] and insert instead thereof [pay and retained rations in September, 1777.]
2. After the charge, in same account, by Capt. William Robinson, No. 3, insert [of which, it appears by his account, that he received of George Latimer, the Paymaster, £ 72 : 10 : 0.]
3. After the charge, in same account, by William Woodland, No. 14, insert [of which, it appears by his account, that he received of George Latimer, the Paymaster, £ 10 : 0 : 0.]
4. After the charge, in same account, by Leonard Vandegrift, No. 20, insert [of which, it appears by his account, that he received of Captain Peter Hyatt £ 3 : 0 : 0.]
5. In the same account, under the head Col's Cantwell's Battalion, No. 4, Captain William Moody's Pay-roll, £ 158 : 10 : 10, deduct 35s., a charge of three weeks' service of John Moaris.
6. In the general account for Kent County, No. 1 and line 2d from the top, dele the words and figures [Charles Eustace, for medicines for said troop, £ 20.]

The said message follows in these words, viz :

*Gentlemen :*

The reasons inducing the Council to propose to your honora-

ble House the amendments to the report of the committee for adjusting the accounts of the Militia of New Castle and Kent Counties for past services, herewith sent, are as follow, to wit :

As to the first amendment, for that the charge, as stated in the general account, is not warranted by the voucher, it being for pay and retained rations, instead of a bounty in Jerseys.

As to the second amendment, the Council conceive it necessary to show upon the face of the general account the sum that the party charging hath already received ; otherwise he may receive a certificate from the President for the whole sum there carried out, which will entitle him to the payment thereof, therefore he will be in part paid twice for the same service.

As to the third and fourth amendments, the same reasons as in the second.

As to the fifth amendment, it appears by the information of one of the field officers of that battalion, Major Vandyke, that the charge of 35s. made for John Mearis, in Captain Moody's account, for three weeks' service, is wrong, and ought not to be allowed, he never having performed any such service.

As to the sixth amendment, it appears that the same charge is made and allowed in Captain Carty's account, therefore ought not to be separately made by Doctor Charles Eustace.

*Ordered*, That the same be transcribed, and that the message be signed by the Speaker.

*Ordered*, That Mr. Hyatt deliver the same, with the amendments and Militia accounts, to the House of Assembly.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., March 30th, 1778.

The Council met. Present the same members as on Saturday.

General Patterson, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the report of the Committee for Militia Accounts in Sussex County, agreed to by the House of Assembly and sent for concurrence.

On motion,

*Ordered*, That the said report and accounts be referred to a committee of three to report thereon.

Messrs. Baning, Hyatt, and Bassett are appointed a committee for this purpose.

Doctor Ridgely, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following order of that House to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, March 30, 1778.

“ *Ordered*, That Mr. Ridgely inform the Council that the following persons have been appointed conferees, on the part of this House, for the purposes declared in a resolution of both Houses of the 13th instant, viz : Ridgely, Craghead, and Kollock.”

Which was read and approved of.

The same member also delivered to the Chair the following resolution of that House, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, March 30th, 1778.

“ *WHEREAS* his Excellency John McKinly, Esq., our worthy President, taken by the enemy in September last, still remains a prisoner, with little prospect of exchange shortly, and the Speaker of the Council, who acts as Vice-President, requesting to be relieved from the duties of that office, as alone sufficient

“to employ the whole time and attention of any individual of the State ; therefore

“*Resolved*, That the place of President of the State be immediately supplied by the nomination and appointment of the General Assembly.

“*Ordered*, That Mr. Ridgely wait on the Council with the foregoing resolution for their concurrence, and inform them that, if assented to, the House of Assembly will meet the Council to put in nomination such persons who may be voted for as President at a subsequent meeting of both Houses, agreeable to the mode heretofore adopted and used.”

Which, by order, was read the first time.

By special order the same was read the second time and concurred in.

*Ordered*, That Mr. Clowes wait on the House of Assembly with the foregoing resolution, concurred in by the Council, and inform them that the Council will meet the House of Assembly, in the Assembly Room, to-morrow morning, at 10 o'clock, to put in nomination persons who may be voted for as President.

Adjourned till to-morrow morning at 10 o'clock.

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TUESDAY, A. M., March 31st, 1778.

The Council met. Present the same members as on yesterday.

Mr. Conwell appeared and took his seat in the Council.

Mr. Clowes, who was appointed to wait on the House of Assembly with their resolution to put in nomination persons for the place of President of this State, as concurred in by the Council, now reported the delivery thereof according to the order of yesterday.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following notice of that House, to wit :

“IN THE HOUSE OF ASSEMBLY,  
“TUESDAY, A. M., March 31st, 1778.

“*Ordered*, That Mr. Peery wait on the Council and inform “them that this House is now ready to receive them and proceed “to the nomination aforesaid.”

The Council proceeded to the Assembly Room, and there met the House of Assembly, when several persons were put in nomination for the office of President and their names taken down for the consideration of the members of both Houses.

*Resolved*, That the General Assembly meet in the Assembly Room, to ballot for a President of the State, at 3 o'clock this afternoon.

The Council adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met the House of Assembly in the Assembly Room and there, in General Assembly, proceeded to the election of a President for the State, and the members of both Houses, to wit : eight of the Council and sixteen of the House of Assembly, then present, having prepared tickets, with the name of the President to be appointed, and put the same into a ballot-box, the Speakers of the two Houses, in the presence of the other members, examined the ballot-box, and it appeared that twenty votes, out of twenty-four, were in favor of the Honorable Cæsar Rodney, Esquire.

Whereupon the said Cæsar Rodney, Esquire, is declared duly elected President of this State for the term of three years next

ensuing and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the present Constitution or system of government.

On motion,

*Resolved*, That the Speaker of the Council nominate five members of the General Assembly to wait on the Honorable Cæsar Rodney, Esquire, and inform him of his election and appointment to the office of President of this State, and know whether he will accept the said office, and make report thereof to the General Assembly.

And thereupon Messrs. Vandyke, Clowes, Ridgely, Patterson, and Bryan are appointed for this purpose.

Then the General Assembly adjourned till to-morrow morning at 10 o'clock, to receive the report of the said committee.

The Council adjourned till to-morrow morning at 10 o'clock.

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WEDNESDAY, A. M., April 1st, 1778.

The Council met. Present the same members as on yesterday.

Then the Council met the House of Assembly in the Assembly Room in order to receive the report of the committee appointed yesterday.

The committee delivered at the table General Rodney's answer, in writing, which was read, and follows in these words, viz :

*"Gentlemen of the General Assembly :*

"I received, yesterday afternoon, your message declaring me duly elected President of the Delaware State, and am fully sensible of the honor done me by the appointment ; but, as I am too conscious of my own inability to suppose your expectation will be answered by my acceptance, I hope I shall be excused. I think, nevertheless, that at a time like this it is the

"duty of every member of society to take such part in the civil line as shall be assigned him by government, if tolerably qualified ; therefore, if the General Assembly cannot fix upon some other person more equal to that important duty, I shall, tho' with the greatest diffidence, accept—in full confidence, however, that your honors will afford me every necessary aid in the due execution of the laws and otherwise supporting the civil government as now established under the authority of the people ; and as the provision made for the President is by no means an ample one, that the General Assembly would not wish to add to the sacrifice I have already made by much more than ought to fall to the share of any one member of the community.

"CÆSAR RODNEY.

"Dover, April 1st, 1778."

*Ordered*, That a certificate of the appointment of General Rodney to the office of President of this State, signed by the Speakers of the two Houses, and sealed with the Great Seal of the State, be made out and delivered to General Rodney.

*Ordered also*, That the same committee wait on Mr. President Rodney with the said certificate, and inform him that the General Assembly will take into their consideration that part of his answer respecting a further provision to be made for the President of the State than that which is already made by the laws of the State.

The committee report that they had delivered the aforesaid certificate to Mr. President Rodney, which he accepted, according to order.

Then the General Assembly adjourned till 3 o'clock in the afternoon, and the Council withdrew.

The Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and, on motion, the bill for the further security of the Government was read a second time and ordered to lie over till to-morrow morning.

On motion, the bill for regulating and limiting the prices of sundry articles of produce, &c., was read a 2d time and ordered to be recommitted to the same committee.

The Council adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., April 2d, 1778.

The Council met. Present the same members as on yesterday.

On motion,

*Resolved*, That the Speaker of the Council be authorized to administer as well the oath of allegiance and declaration of faith as the oath of office to the Honorable Cæsar Rodney, Esquire, now appointed President of this State, as directed by the 22d section of the system of government, and that the same be certified into the Secretary's office.

*Resolved also*, That the oath of office be in the form following, to wit :

I, Cæsar Rodney, do swear that I will well and truly, according to the best of my abilities and judgment, execute the office of President of the Delaware State, agreeable to the Laws and Constitution thereof, so help me God.

Which, by order, was read.



*Ordered*, That Mr. Baning wait on the House of Assembly with the foregoing resolutions for their consideration and concurrence.

Mr. Baning, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

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#### EODEM DIE, P. M.

The Council met, and resumed the consideration of the bill for the further security of the Government, which, by order of yesterday, was postponed till to-day, and, after some time spent therein, ordered to lie over for further consideration.

Mr. Black, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the aforesaid resolutions of the Council, with the concurrence of the House of Assembly thereto.

The Speaker of the Council then waited on the President, and, being returned, reported to the General Assembly that he had administered as well the oath of allegiance and declaration of faith as the oath of office to his Excellency Cæsar Rodney, Esq., President of the Delaware State, in pursuance of certain resolutions of the General Assembly of this day.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., April 3d, 1778.

The Council met. Present the same members as on yesterday.

Mr. Patterson, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of that House, to wit :

“IN ASSEMBLY, THURSDAY, April 2d, 1778.

“WHEREAS the late Judge of the Admiralty is appointed President of this State, whereby the former office is become vacant ; therefore

“*Resolved*, That the place of Judge of the Admiralty be immediately supplied by the nomination and appointment of the General Assembly.

“*Ordered*, That Mr. Patterson wait on the Council with the foregoing resolution for their concurrence, and inform them that, if assented to, the Assembly will meet the Council tomorrow morning at 10 o'clock, to put in nomination such persons who may be voted for as Judge of the Admiralty at a subsequent meeting of both Houses, agreeable to the mode heretofore adopted and used.”

Which, by order, was read and concurred in.

*Ordered*, That Mr. Clowes wait on the House of Assembly with the foregoing resolution, and inform them that the Council are ready to receive them in the Council Room and proceed in the nomination aforesaid.

Mr. Clowes, being returned, reported the delivery of the same according to order.

The Doorkeeper informed the Chair that the House of Assembly attended at the door and desired to be admitted, and they were admitted.

The Council and Assembly being met in the Council Room to put in nomination persons to be voted for as Judge of the

Admiralty of this State, agreeable to the order of the day, on motion,

*Resolved*, That a committee of five be appointed to wait on his Excellency, the President, and inform him that the General Assembly are now sitting for the purpose of putting in nomination persons to be voted for as Judge of the Admiralty, and know whether his Excellency would choose to attend that nomination.

Messrs. Jones, Hyatt, Craghead, Peery, and Hall are appointed for this purpose ; who, being returned, reported that his Excellency said he would wait on the General Assembly immediately.

The President attended in the General Assembly.

Then the members proceeded to put in nomination divers persons, whose names were taken down for the consideration of the members of both Houses.

On motion, agreed that the General Assembly now separate and meet at 3 o'clock this afternoon for the purpose of balloting for a Judge of the Admiralty out of the persons put in nomination in the morning.

Mr. Baning, a member of the Council, delivered to the Chair a message from the President to the Legislative Council, which follows in these words, viz :

*"Gentlemen of the Legislative Council :*

"Complaint is just now made to me, as Commander-in-Chief of this State, by Thomas White, Esquire, who says a Continental officer, in virtue of an order or resolution of Congress, has taken him into custody, and, as he believes, with a design to carry him out of the State. He says, further, that he is ready and willing to answer to any charge alleged against him, but thinks he ought to be charged within the State, &c.

"As the General Assembly is now sitting, I have thought proper to lay this complaint before the honorable the Council for their direction. I have also made the House of Assembly acquainted with it.

"CÆSAR RODNEY.

"April 3d, 1778."

Which, by order, was read.

The Council, taking the said message into consideration,

*Resolved*, That the same be referred to a committee of both Houses, who may report severally thereon ; and that the House of Assembly be requested to appoint a committee of their House to confer with a committee of Council on the subject matter of the said message this afternoon.

*Resolved*, That the President be informed of the foregoing resolution, and that it is the opinion of the Council that he issue his orders to the officer or officers in whose custody Mr. White is, that he or they do not remove him from the Town of Dover until the President shall give further order therein.

*Ordered*, That Mr. Baning wait on the House of Assembly, and also on the President, with a copy of the foregoing resolutions.

Mr. Baning, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

*Ordered*, That Mr. Hyatt wait on the House of Assembly and inform them that the Council are sitting and are ready to receive the Assembly, when they shall think fit, in order to proceed in the ballot for a Judge of the Admiralty.

Mr. Hyatt, being returned, reported that he had so done according to order.

Mr. Hall, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the resolu-

tion of this day respecting the appointment of a committee of both Houses on the subject matter of the President's message, concurred in by the Assembly, who appoint, on the part of that House, Messrs. Craghead, Patterson, and Molleston.

And therefore Messrs. Jones and Vandyke are appointed conferees on the part of the Council, to meet this afternoon.

Mr. Conwell is ordered to inform the House of Assembly of the foregoing appointment ; who, being returned, reported that he had so done according to order.

The Doorkeeper informed the Chair that the House of Assembly attended at the door and desired to be admitted, and they were admitted.

The Council and Assembly being met in the Council Room,

On motion,

*Resolved*, That a committee of five be appointed to wait on his Excellency the President and inform him that the two Houses of Assembly are now sitting for the purpose of balloting for a Judge of the Admiralty and request his attendance.

Messrs. Clowes, Conwell, Lewis, Kollock, and Molleston are appointed for this purpose ; who, being returned, reported that the President said that he would attend immediately.

The President attended in the General Assembly, and the ballot being taken down, it appeared that Thomas Rodney, Esquire, was unanimously elected Judge of the Admiralty of this State.

*Ordered*, That a certificate of the election and appointment of Thomas Rodney, Esquire, to the office of Judge of the Admiralty, be made out and delivered to his Excellency the President, that Mr. Rodney may be commissioned accordingly.

Agreed that the two Houses now separate.

The committee to whom were referred the Militia accounts of Sussex County and the report of the committee for said accounts, now delivered their report at the table, which, by order, was read the first time.

By special order the same was read a second time and ordered to lie over for further consideration.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., April 4th, 1778.

The Council met. Present the same members as on yesterday.

The committee of Council appointed to confer with a committee of the House of Assembly on the subject matter of the President's message of yesterday, now delivered their report at the table, which, by order, was read and ordered to lie over for consideration until the afternoon.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met, and, taking into consideration the report of the conferees on the subject matter of the President's message of yesterday, thereupon

*Resolved*, That if any person guilty of or charged with treason, felony, or other high misdemeanor, in any State, shall flee from justice and be found within this State, he ought, upon demand of the Governor or Executive power of the State from which such person flees to the President or Executive power of this State, containing the charge, to be delivered up and removed to the State having jurisdiction of the offence.

*Resolved*, That no inhabitant of this State ought to be taken out of the same to answer to a charge of a fact committed within this State ; that in every such case the trial ought to be by a jury of the vicinage where the same arose, and under the laws of the State.

*Resolved*, That a remonstrance be drawn up by the General Assembly, and transmitted by his Excellency the President, with the said Thomas White, to General Smallwood, claiming the said Thomas White as an inhabitant of this State, and that he be remanded by General Smallwood to the Executive power of this State, together with the charge against him, in order that the same may be heard, tried, and determined on under the laws of this State.

*Resolved*, That if General Smallwood, in obedience to any order of Congress, should send the said Thomas White thither, that the said remonstrance be sent with him ; and that Congress be requested to remand the said Thomas White to the Executive power of this State, together with his offence, in order that the same may be heard, tried and determined on in this State, if the fact he is charged with arose therein.

*Ordered*, That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. Hyatt is appointed to deliver the foregoing resolutions to the House of Assembly ; who, being returned, reported the delivery thereof according to order.

Mr. Clowes having applied for leave of absence till Monday next, the same is granted to him.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and returned to the Chair the bill against desertion, signed by the Speaker of the House of Assembly.

*Ordered*, That the said bill be signed by the Speaker of the Council.

Which was accordingly done.

On motion,

*Resolved*, That the President and Commander-in-Chief affix the Great Seal of this State to the bill entitled "An act against deser-

tion and harbouring deserters, or dealing with them in certain cases."

Mr. Conwell is appointed to deliver the foregoing resolution to the House of Assembly ; who, being returned, reported the delivery thereof according to order.

Mr. Lewis, a member from the House of Assembly, attending, was admitted and returned to the Chair the said resolution with the concurrence of the House of Assembly thereto.

Adjourned till Monday morning, 10 o'clock.

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MONDAY, A. M., April 6th, 1778.

The Council met. Present the same members as on Saturday, except Messrs. Collins and Vandyke.

Mr. Patterson, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolution of that House, viz :

" IN ASSEMBLY, P. M., April 4th, 1778.

"The House, taking into consideration a message from his Excellency the President of this State relative to the arrest of Thomas White, Esquire, by a Continental officer, said to be in pursuance of a resolve of the honorable Continental Congress,

"*Resolved*, That this House have full confidence in the wisdom and justice of Congress that they will not infringe the rights and privileges of this State, and therefore that they will not try the said Thomas White for any crimes which our laws have cognizance of."

Which, by order, was read and ordered to lie on the table.

Adjourned till 3 o'clock, P. M.



## EODEM DIE, P. M.

The Council met and resumed the consideration of the report of the committee to whom the report of the committee for Militia accounts of Sussex County was referred, and thereupon agreed that the following alteration and amendment be made in the allowance to Lieutenant Colonel Conwell, to wit :

Deduct from £50 : 7 : 6 (the amount of his account), the sum of £7 : 10 : 0, being an overcharge for pay.

*Ordered*, That Mr. Clowes wait on the House of Assembly with the Militia accounts for Sussex County, and the foregoing amendment, for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

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## TUESDAY, A. M., April 7th, 1778.

The Council met. Present all the members.

Mr. Clowes now reported the delivery of the Militia accounts and the foregoing amendment, according to the order of yesterday.

The Council resumed the consideration of the bill for the further security of the Government, and after some time spent therein the same was ordered to lie over for further consideration.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, April 8th, 1778.

The Council met, but a quorum of the members not attending, the Council adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., April 9th, 1778.

The Council met. Present all the members.

The Council again resumed the consideration of the bill for the further security of the Government, and several amendments being proposed and agreed to,

*Ordered*, That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. Clowes is ordered to deliver the said bill and amendments to the House of Assembly ; who, being returned, reported that he had delivered the same according to order.

The committee to whom the bill for regulating and limiting the prices of sundry articles of produce, &c., was recommitted, now delivered a bill at the table, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee of Council appointed to confer with a committee of the House of Assembly on a resolve of Congress of the 22d November last respecting the opening of subscriptions for a loan of money, to be invested in Continental Loan-Office Certificates, informed the Chair that the conferees on the part of the Assembly had not yet met them, and prayed a longer time.

Mr. Clowes, one of the committee appointed to take into consideration a resolve of Congress of the 3d of September last respecting the importing or otherwise procuring a supply of arms, tents, &c., informed the Chair that the committee were not fully satisfied with the inquiries they had made into this business since their appointment, and therefore prayed a longer time.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., April 10th, 1778.

The Council met. Present the same members as on yesterday.

A member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolutions of that House, viz :

“ IN THE HOUSE OF ASSEMBLY,  
“ THURSDAY, P. M., April 9th, 1778.

“ WHEREAS the honorable the Continental Congress, on the  
“ 22d day of November last, among other things did resolve as  
“ follows, viz :

“ “ *And whereas* the obstruction of the course of justice in any  
“ State may not only prove injurious to its citizens, but also to  
“ the circulation and credit of the currency of such State, and of  
“ the United States,

“ *Resolved therefore*, That it be recommended to the several States forthwith to take effectual care that justice be duly ministered within their respective jurisdictions, as well for the recovery of debts as for the punishment of crimes and misdemeanors.’

“And this House, taking the said recommendation into consideration, after some time spent thereon, came to the following resolutions :

“ 1. That nothing so effectually tends to the preservation of the happiness of a State, and the peace and advantage of the inhabitants, as the impartial administration of justice and execution of the laws, which blessing can only be obtained and enjoyed by a wise and judicious appointment of persons to the several Courts of judicature in the same.

“ 2. That it appears to this House that the late appointments of Judges and Justices for some of said Courts hath not produced the said salutary effects, inasmuch as the place of residence of some is by no means calculated for the most easy and convenient administration of justice ; others of them appointed, have neglected to accept of the places to which they were appointed, and, being unfriendly to the freedom and independence of the United States, and the Government of the State in particular, have fled to the open enemies thereof ; many of them that did accept have neglected to enforce the laws of the State, to punish treason and traitorous practices, to preserve the peace, to punish harbourers of deserters, to prevent discriminating between Continental Currency and the Currency of Credit emitted under the authority of the King of Great Britain, and too generally neglected to attend the Courts of Justice, thereby causing much confusion and dissatisfaction among the inhabitants of this Government ; and some of them have been convicted of a breach of the penal laws of the State, thereby rendering themselves unworthy of so important a trust.

“ 3. That the appointment of two of the Judges of the Supreme Court of this State who inhabit any one county thereof is inconvenient, and tends to discourage persons who think themselves aggrieved by the determinations of inferior judicatures from seeking redress.

“ 4. That it is the opinion of this House that the resignation

“of William Killen and John Cook, Esquires, of their commissions of Justices of the said Supreme Court (as they both reside in the same county), is the only legal way whereby the Legislature of this State may be enabled to remedy the inconvenience mentioned in the last resolution, by the appointment of one person residing in each county to be Justices of the said Court.

“5. That the Clerk of this House forthwith send copies of the two last resolutions to William Killen and John Cook, Esq'srs.

“6. That the General Assembly address the President of this State, desiring him to displace such of the present Judges and Justices of this State as he shall have good reason to believe have been guilty of any of the misdemeanors above recited.”

Which resolutions were, by order, read.

The Council now resumed the consideration of the bill for regulating and limiting the prices of sundry articles of produce, &c., and after some time spent therein, ordered to lie over for further consideration.

Mr. Craghead, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the Militia accounts of this State and the six amendments proposed thereto by the Council, three of which that House acceded to, and the remaining three they disagreed to, and the Council thereupon receded therefrom.

The House of Assembly also proposed the following addition to be made to the general account of the Militia of Kent County, to wit :

[46. William Hudson, per account, £5 : 10 : 1.]

To which the Council agreed.

The committee appointed to take into consideration a resolve of Congress of the 3d of September last respecting the importing or otherwise procuring a supply of arms, tents, &c., now delivered their report at the table, which, by order, was read the first time.

Mr. Hall, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following message from the Assembly to the Council, viz :

*Gentlemen :*

"The House of Assembly have taken into consideration amendments proposed by your honorable House to the bill titled 'An act for the further security of the Government,' are sorry to say they cannot accede to divers of the amendments, and therefore propose to your honorable House as the most expeditious way of determining this business, appointment of committees of both Houses to confer on the subject matter of the said amendments, who may report thereon

Which, by order, was read the first time.

By special order the same was read the second time, and motion,

*Resolved*, That an answer to the said message be drawn up

Which was accordingly done at the table, and is as follows to wit :

*Gentlemen :*

The Council have considered your message of this day relating to the amendments proposed by the Council to the bill entitled "An act for the further security of the Government," and concur in your proposition of committees of conference at this stage of the business, as we apprehend the more regular and expeditious mode would be for your honorable House to have the bill back to the Council with your accession to such of the amendments as your House concur in, and the reasons which induced you to reject the others. Those, perhaps, might induce the Council to recede from the amendments which you reject not, then a conference might be regularly brought about.

Which, by order, was read and approved of.

*Ordered*, That the same be signed by the Speaker of the Council.

Which was done accordingly.

*Ordered*, That Mr. Clowes wait on the House of Assembly with the said answer.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, April 11th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Clowes reported that he had delivered to the House of Assembly the answer from the Council to the message of the Assembly agreeable to the order of yesterday.

The resolutions of the House of Assembly respecting the administration of Justice, Judges, and Justices were, by order, read the second time, and thereupon

*Resolved*, That a committee of three be appointed to take the said resolutions into consideration and report thereon.

On motion, Messrs. Vandyke, Jones, and Collins are appointed a committee for this purpose.

The report of the committee appointed to take into consideration the resolve of Congress of the 3d of September last, respecting the importing or otherwise procuring a supply of arms, tents, &c., was now, by order, read the second time, and, after some consideration had thereon, that part of the report which related to the fitting out vessels for the importing of arms, &c., was disapproved of, and the other parts were referred to the same committee, to draw up a set of resolutions, founded thereon, to be adopted by the Council, and make report in the afternoon.

On motion of Mr. Hyatt for leave of absence till Tuesday next, the same is granted to him.

On motion of Mr. Conwell for leave of absence till Monday next, the same is granted to him.

*Ordered*, That the Militia accounts of this State, together with the papers and vouchers, be returned to the House of Assembly in order to be signed by the Speaker of that House, and that it be recommended to that House to provide for the payment and discharge of said accounts.

Mr. Jones is appointed to deliver the same to the House of Assembly; who, being returned, reported that he had delivered the same according to order.

Adjourned till Monday morning at 10 o'clock.

MONDAY, April 13th, 1777

The Council met, but a sufficient number of members to form a House not attending, the Council adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, April 14th, 1777

The Council met. Present all the members except Messrs Hyatt, Conwell, and Clowes.

A member from the House of Assembly, attending, was admitted and delivered to the Chair "An act for establishing a Militia within this State," which, by order, was read the first time.

The same member also delivered to the Chair the bill for the further security of the Government, and the amendments proposed thereto by the Council, some of which the House of Assembly had acceded to, and disagreed to the others; and an answer from the House of Assembly to a message from the Council, assigning their reasons for disagreeing to the same, which follows in these words, viz :

*"Gentlemen :*

"When we proposed to your honorable House the appointment of a committee of conference on the subject matter of the amendments proposed by you to the bill for the further security of the Government, we had in view the dispatch of business only ; but as you were not pleased to agree with our proposal, we now send you the said bill, with our reasons for not acceding to such of your amendments as have been rejected by this House.

"Your proposed amendment for leaving out the word [March] in the 13th line of the first page, and inserting instead thereof the word [July], we cannot agree to, because we think it is now too



“for every inhabitant of this State to determine within himself whether he will be for or against it. But as the first of May is too short a time to carry the law into execution, we now propose an amendment to the amendment proposed by your honorable House, by leaving out the word [July] and inserting instead thereof the word [June].

“Your 6th proposed amendment, for leaving out the word [defend], this House cannot accede to, because we think every person who receives protection from the laws of this State ought to render his service in defence thereof.

“Your 7th amendment, for leaving out the words [and the Constitution thereof as now established], we cannot agree to, because the Constitution of this State hath pointed out a way by which the same may be altered.

“Your 27th amendment, for leaving out the whole of the 6th enacting clause after the word [juryman] and inserting instead thereof [and under the aforesaid disabilities shall remain, &c.,] this House have not acceded to, because they are of opinion a line of discrimination ought to be drawn between those who now acknowledge their allegiance to this State and the Government thereof and those who refuse or neglect to do the same ; and every inhabitant of this State who shall neglect or refuse to acknowledge his allegiance thereto, in the time limited by the laws thereof, will not be entitled to the immunities and protections of the same so long as he shall neglect giving testimony of his attachment and fidelity to the Constitution of this State, and ought not to be permitted to enjoy the privileges derived from its laws, until he give satisfaction that he hath not injured the freedom thereof.

“Your 32d amendment, proposing the leaving out of the whole of the 10th enacting clause and instead thereof inserting [And be it enacted by the authority aforesaid, That the Justices of the several Counties, &c.,] this House cannot agree to, for the same reason by them given for not acceding to the 27th amendment.

“The other amendments proposed by your honorable House are acceded to by the House of Assembly.”

Which, by order, was read the first time.

The committee appointed to draw up a set of resolutions founded on the report of the committee appointed to take consideration a resolve of Congress of the 3d of September 1777 respecting the importing or otherwise procuring a supply of arms, &c., now delivered a set of resolutions at the table, which by order, were read and approved of, and are as follows, viz

*Resolved*, That the President be empowered to procure, loan or purchase, for and in behalf of this State, any number of arms and quantity of ammunition that he may think necessary for the defence of the State the ensuing campaign.

*Resolved also*, That the President be requested to apply to the commanding officer of the Delaware Battalion for leave to detain under his enlistment a certain John Watkins, by trade armourer (a soldier in said battalion), for the purpose of repairing the arms in the hands of the Militia, and also those belonging to the State.

*Resolved also*, That the President be requested to appoint one or more persons whose business shall be to enter into a contract with the said John Watkins for his labor and the use of his tools at any sum not exceeding £15 per month and a soldier's Continental ration per day, and to provide a shop in or near the Town of Dover for the said Watkins to work in, and to superintend him in the said business.

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., April 15th, 1777

The Council met. Present all the members.

The answer from the Assembly to the message from the Council, setting forth their reasons for disagreeing to some of the amendments to the bill for the further security of the Government, was now read a second time, and the Council proceeded to the consideration of the amendments disagreed to by the House of Assembly severally, and, upon the question,

The Council receded from the 3d amendment and agreed to the month of June being inserted instead of the month of July.

As to the 6th, 7th and 27th amendments, the Council adhered to the same.

As to the 32d amendment, the Council adhered to the first and last part thereof, but receded from the clause requiring the members of Assembly and officers, &c., to take the oath, &c., within one month, &c.

As to the 33d amendment, the Council adhered to the same, with the alteration of the month of July for June, to make the same correspond with the first clause in the bill.

And thereupon Messrs. Collins and Vandyke were appointed a committee to draw up a message to the Assembly containing reasons for adhering to the amendments as aforesaid.

The committee to whom the resolutions of the House of Assembly of the 9th instant, respecting the administration of justice, &c., were referred, now delivered their report at the table, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

On motion, the bill for establishing a Militia within this State was, by order, read the second time and ordered to lie over for further consideration.

On motion, the bill for regulating and limiting the prices of sundry articles of produce, &c., was now read by paragraphs, and, after some consideration had thereon, was ordered to lie over till to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., April 16th, 1778

The Council met. Present the same members as on yesterday.

On motion made that the Council now proceed on the regulating bill, partially gone through on the last evening, and the question being put, the House are equally divided, and the Speaker decided in favor of the question, and, on motion of Mr. Clowes that the yeas and nays be entered on the question, they are as follows, viz :

*For the affirmative*—Thomas Collins, John Banning, Richard Bassett, Nicholas Vandyke.

*For the negative*—John Clowes, William Conwell, Peter Hyatt, John Jones.

And the Council accordingly proceeded on the said bill, after divers amendments proposed and agreed to, the same passed the Council, and was ordered to be transcribed and sent to the House of Assembly for their concurrence.

*Ordered*, That Mr. Hyatt deliver the said bill and amendments, and also the resolutions of the Council of the 14th instant respecting the procuring a supply of arms and ammunition, engaging an armourer for the use of the State, to the House of Assembly.

Mr. Armstrong, a member from the House of Assembly, attending at the door, was admitted and delivered to the Council a bill entitled "An act to enable Charles Pope, of the County of Kent, his heirs, executors or administrators, to erect a bridge over Duck Creek ;" and also two several petitions, the one from the said Charles Pope, praying for leave of the General Assembly to erect a bridge over Duck Creek, the other, signed by several inhabitants of Duck Creek, praying that the same may not be granted, to the destruction or damage of a public wharf and landing place there.

Adjourned till 3 o'clock, P. M.

## EODEM DIE, P. M.

The Council met, and resumed the consideration of the resolutions of the House of Assembly respecting the administration of justice, &c., and the report thereon, and, after some amendments made, the same was postponed till to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

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## FRIDAY, A. M., April 17th, 1778.

The Council met. Present the same members as on yesterday.

The Council proceeded in the consideration of the resolutions respecting the administration of justice, and agreed to further amendments.

*Ordered,* That Messrs. Vandyke and Jones be a committee to draw up a message to the House of Assembly stating the reasons for these amendments.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P.

The Council met.

Mr. Hyatt now reported the delivery of the papers given him in charge to the House of Assembly according to the order of yesterday.

The committee appointed to draw up a message to the House of Assembly, stating the reasons of the Council for adhering to their amendments to the bill for the further security of the Government, disagreed to by the House of Assembly, now bring one in, which, being read and agreed to, is as follows, viz :

*Gentlemen :*

The Council, taking into consideration as well those amendments which they had proposed to the bill for the further security of the Government, and disagreed to by your honorable House as the amendments proposed by your House to our third amendment, do recede from their 3d amendment and agree to insert the word [June] instead of the word [May], as in the bill.

As to their 6th amendment, they adhere to the same, for the word [defend] may be construed by some to extend to bearing arms ; and although it is very just that whoever has protection under a government is bound to defend the same, yet defence is not to be required but agreeable to law founded on the principles of the Constitution. It is well known that some inhabitants of this State are conscientiously scrupulous to bear arms in any case, and under the 10th article of the Bill of Rights not to be compelled to yield personal service if they will perform equivalent for the same.

As to their 7th amendment, they adhere to the same, so much as the greater part of the articles of the Constitution are subject to an alteration by an express provision in the 30th article thereof, and no person should be compelled to support it as *established*.

As to their 27th amendment, they adhere to the same, for

the words following the word [juryman], in that clause of the bill, are too general and uncertain; and as it is not the intention of the House of Assembly, appearing from the 9th clause of the bill, to prevent those who do not take the test by the time limited therein when the disabilities are to take place from taking it any time after, the Council cannot foresee any advantage which can arise to the State by obliging such persons to produce vouchers.

As to the 32d amendment, the Council adhere to that part of it which proposes the leaving out of the bill the 9th enacting clause, the same being provided for in their 27th amendment, adhered to as aforesaid; and they also adhere to the latter clause, as proposed therein, which provides for persons under age at the time limited in the bill for taking the test to take the same within three months after, except as to the word [July], in the 3d line of the clause, instead of which insert the word [June], to make the same correspond with the first clause in the bill; but the Council recede from that part of the said amendment which directs members of Assembly and officers to take the oath, &c., within one month after publication, &c., rendered unnecessary by adopting the word [June] in the third amendment.

As to the 33d amendment, the Council adhere thereto, with the alteration of the word [July], in the 5th line of the clause, to the word [June], for that it is a necessary provision in consequence of the 27th amendment adhered to, and for that the clause which it is to supply is inaccurate and defective.

*Ordered*, That the same be transcribed and signed by the Speaker, which being done,

*Ordered*, That Mr. Conwell deliver the said message and bill, with the list of amendments, to the House of Assembly.

Mr. Clayton, a member from the House of Assembly, attending, was admitted and delivered to the Chair a message from the President to the House of Assembly, founded on a letter which he had received from Governor Johnson, of Maryland, requesting that some of the Militia of this State might join and act with the several companies ordered by the State of Maryland for the purpose of covering the Continental stores purchased in these two States in their removal to the magazines, together with Governor Johnson's letter, which, by order, were read.

The same member also delivered the following resolution the House of Assembly, founded on the President's message Governor Johnson's letter, viz :

"IN THE HOUSE OF ASSEMBLY,  
"THURSDAY, P. M., April 16th, 177

"*Resolved*, That upon consideration of the present circumstances of the State, this House cannot expediently concur  
"the above mentioned message of his Excellency the President  
"and that Mr. Clayton wait on the Council and lay before them  
"the said message and the letter therein referred to."

Which, by order, was read the first time.

The committee of the Council appointed to confer with a committee of the House of Assembly on a resolve of Congress of 22d of November last, respecting the opening of subscription for the loan of money to the United States on Continental Office Certificates, now delivered their report at the table, which by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., April 18th, 177

The Council met. Present the same members as on yesterday.

Mr. Conwell reported that he had delivered to the House of Assembly the message and bill, with its amendments, according to the order of yesterday.

The resolution of the House of Assembly, founded on the President's message and Governor Johnson's letter, was read a second time, and the following alteration or amendment was proposed and agreed to, viz :

*Resolved*, That it be recommended to the President to ask such aid from the Militia of this State, to act in conjunction



those of the State of Maryland, in covering the Continental stores purchased in this State and on the Eastern Shore of Maryland in their removal to the magazines, as he shall think may be spared from the State, having regard to the protection of the inhabitants and their property on the shore of the Delaware, and the reinforcing of General Smallwood, agreeable to his prior requisition.

*Ordered*, That Mr. Conwell return the resolution aforesaid, with the amendment aforesaid, for concurrence.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair the bill for the further security of the Government, with the amendments of the Council thereto.

The same member also delivered to the Chair the following answer from the House of Assembly to a message from the Council, to wit :

*"Gentlemen :*

*"The House of Assembly have taken into their consideration your message of yesterday containing the reasons of your honorable House for adhering to divers amendments by you proposed to the bill for the further security of the Government, and cannot accede to any of the amendments therein mentioned to be adhered to by the Council, and therefore propose to your House the appointment of committees of both Houses to confer on the subject matter of the said amendments, to meet at 3 o'clock this afternoon, who may report thereon."*

Which, by order, was read, and the Council thereupon acceded to the proposition of the House of Assembly for the appointment of a committee of conferees on the subject matter of the amendments proposed by the Council to the bill for the further security

of the Government, and named Messrs. Bassett and Banning as the part of the Council.

*Ordered*, That Mr. Conwell wait on the House of Assembly with the concurrence and appointment aforesaid.

The committee appointed to draw up a message to the House of Assembly, stating the reasons which induced the Council to reject the 2d and 6th resolves of the House of Assembly respecting the administration of justice, &c., now delivered one at the table, which, by order, was read the first time.

By special order the same was read a second time and ordered to be transcribed and signed by the Speaker, and follows in the following words, to wit :

*Gentlemen :*

The Council have considered your resolution respecting the administration of Justice, Judges, &c., and have rejected the second and sixth for the following reasons, to wit :

The second, for that the same contains general charges against the officers of the State, and the allegations therein we considered ought to have been communicated to the Council, by way of message, requesting that a mode of removal might be adopted by the General Assembly, or a joint committee of both Houses.

The sixth, because the officers to be removed on the address of the General Assembly ought to be named, otherwise the President would be obliged to inquire what persons should be removed, which would be to make him the judge, and not the General Assembly, to whom that right properly belongs under the Constitution of this State.

We apprehend that by the 23d article of the Constitution the modes are pointed out by which officers may be displaced, to wit : By impeachment before the Legislative Council ; conviction by common law, or on the address of the General Assembly. In the last, the General Assembly have a power to call such persons before them, inquire into their conduct, and, if they appear proper for such offices, to supersede them by a new appointment and address to the President to commission the persons so appointed.

The Council have proposed amendments to the third, fourth

and fifth resolves, which are transmitted to your House herewith; the others they have acceded to.

*Ordered,* That Mr. Conwell wait on the House of Assembly with the foregoing message and resolves of the House of Assembly, with the amendments proposed thereto by the Council.

Adjourned till Monday morning, 10 o'clock.

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MONDAY, A. M., April 20th, 1778.

The Council met. Present the same members as on Saturday, except Messrs. Bassett, Vandyke, and Collins.

Mr. Conwell reported that he had delivered to the House of Assembly the several papers given him in charge according to the order of Saturday.

On motion, the consideration of the bill for establishing a Militia within this State was resumed, and after some time spent thereon was postponed.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Mr. Hall, a member from the House of Assembly, attending, was admitted and returned to the Chair the amendment proposed by the Council to the resolve of the House of Assembly upon the President's message to the House of Assembly of the 16th of this instant, founded on the requisition from Governor Johnson, concurred in by the House of Assembly.

*Ordered,* That a certified copy of the said resolve, as agreed to, be delivered to the President.

The same member informed the Chair that Messrs. Patten, Armstrong, and Peery are appointed, on the part of the House of Assembly, to confer with the committee of Council on the subject matter of the amendments proposed by the Council on the bill for the further security of the Government.

Adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, A. M., April 21st, 17

The Council met. Present the same members as on yesterday and also Messrs. Vandyke and Collins.

The Council proceeded on the consideration of the bill for establishing a Militia, and after some amendments proposed and agreed to, the remaining clauses were postponed for further consideration.

Mr. Clark, a member from the House of Assembly, attended and was admitted and returned to the Chair the resolutions of the Council of the 14th instant, respecting the procuring a supply of arms and ammunition, &c., with several amendments proposed thereto by the House of Assembly.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P.

The Council met.

The committee of Council appointed to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by the Council to the bill for the fu

security of the Government, now delivered their report at the table, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, April 22d, 1778.

The Council met. Present the same members as on yesterday.

On motion, the consideration of the bill for establishing a Militia was resumed, and after some time spent thereon the same was postponed.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, April 23d, 1778.

The Council met. Present the same members as on yesterday.

The Council proceeded in the consideration of the bill for establishing a Militia, and after some time spent thereon the same was postponed.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and delivered to the Chair "Rules and articles for the better regulating of the Militia;" and also certain resolutions of the House of Assembly for borrowing, upon the credit of the State, 7,500 dollars.

The same member also returned to the Chair the amendments proposed by the Council to the resolutions of the House of Assembly respecting the administration of justice, &c., two of which said amendments the House of Assembly had agreed to, and to the remaining two they had disagreed; their reasons for disa-

greeting to which are set forth in a message to the Council, read at the same time, which follows in these words, viz :

*"Gentlemen :*

"The Assembly have considered your message of the 1st of April, likewise the amendments proposed to their resolution respecting the administration of justice, &c., and are of opinion that the reasons given by the honorable Council are insufficient to induce us to accede to the first and second amendments proposed ; therefore cannot recede from our second resolution because the allegations therein mentioned we believe to be evident and well-attested facts, known to have been committed by several of the Judges and Justices in some of the counties within this State, and therefore were alleged generally against those guilty of the facts mentioned therein may be more fully pointed out in an address to the President by the General Assembly ; neither has the honorable Council denied the facts therein mentioned, and if wholly rejected would make the resolutions testify that the appointment of two Judges of the Supreme Court, who resided in one county (though gentlemen of character), was the only grievance or inconvenience which hath been or now doth exist in the Executive Department ; that justice in every other part hath been duly administered, which, we believe, cannot be verified.

"The Assembly adhere to their third resolution, because no reason appears to them or is assigned by the Council for rejecting the same.

"The third and fourth amendments proposed are accepted by the Assembly.

"Should the honorable Council remain dissatisfied as to the propriety of our second resolution, we beg leave to propose to your House a committee of conference on the subject mentioned therein contained."

Which, by order, was read the first time.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, April 24th, 1778.

The Council met. Present the same members as on yesterday.

The consideration of the bill for establishing a Militia was resumed, and after some time spent thereon was postponed till to-morrow.

Mr. Conwell having applied for a leave of absence for a few days, the same is granted to him.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, April 25th, 1778.

The Council met. Present the same members as on yesterday, except Mr. Conwell.

The Council now proceeded on the further consideration of the bill for establishing a Militia, which by the order of yesterday was postponed till to-day, and sundry amendments were proposed and agreed to.

*Ordered*, That the same be transcribed and sent to the House of Assembly for concurrence ; and that Mr. Clowes wait on the House of Assembly with the said bill and its amendments.

Adjourned till Monday morning, 10 o'clock.

MONDAY, April 27th, 177

The Council met, but a quorum of the members not attending.  
the Council adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, April 28th, 177

The Council met, but a quorum of the members not attending.  
the Council adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., April 29th, 177

The Council met. Present all the members, except Mr. Hyatt and Conwell.

The amendments proposed by the House of Assembly to the resolutions of the Council of the 14th instant, respecting the curing a supply of arms, &c., were, by order, read, and full amendments were proposed and agreed to.

*Ordered*, That the same be transcribed and sent to the House of Assembly.

Mr. Clowes is appointed to deliver the same to the House of Assembly for concurrence.

The resolutions of the House of Assembly for borrowing,



the credit of the State, 7,500 dollars, were, by order, read the first time.

The rules and articles for the better regulating of the Militia, were, by order, read the first time.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Mr. Conwell now appeared and took his seat in the Council.

Upon motion and order,

The report of the committee of conference to whom the resolves of Congress of the 22d of November last, respecting the opening of subscriptions for the loan of money on Continental Loan-Office Certificates, were referred, was read a second time, and thereupon

*Resolved*, That three persons in each County of this State be appointed by the General Assembly for the purpose of promoting and taking subscriptions, specifying the names of persons willing to lend money to the United States of America on Continental Loan-Office Certificates, and the sums they respectively undertake to furnish on such certificates, not less than 200 dollars on any one certificate.

*Resolved also*, That subscription papers for the purpose aforesaid be put into the hands of the persons so appointed, of the tenor following, to wit :

We, the subscribers, do hereby engage to pay, on demand, into the hands of the Commissioner of the Continental Loan Office for the Delaware State, the sum or sums of money to our respective names annexed, for and in lieu of the said office certificates.

A copy whereof, when subscribed by any number of persons, shall be transmitted by the persons respectively taking the same at least once in four months, to the Commissioner of the Central Loan Office of the State, and a duplicate thereof by and forthwith sent to Congress, that they may be enabled, as far as practicable, to ascertain the supplies for the war which may be raised in this State upon Loan-Office Certificates.

*Ordered*, That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. Clowes is appointed to deliver the same to the House of Assembly.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., April 30th, 1776

The Council met. Present all the members, except Mr. H.

Mr. Clowes now reported that he had delivered to the House of Assembly the several papers given to him in charge, according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

The rules and articles for the better regulating of the Council were, by order, read a second time, and sundry amendments were proposed and agreed to.

*Ordered*, That the same be transcribed and sent to the House

of Assembly for their consideration and concurrence, and that Mr. Conwell deliver the same, with their amendments, to the House of Assembly.

A petition, signed by divers inhabitants of Murtherkill and Jones' Hundreds, praying the aid of the Legislature in establishing guards on the shore of the Delaware, particularly at the mouths of Murtherkill and Jones' creeks, was delivered at the table, and, by order, read the first time.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., May 1st, 1778.

The Council met. Present all the members, except Mr. Hyatt.

Mr. Conwell reported that he had delivered to the House of Assembly the rules and articles for the better regulating of the Militia, with their amendments, according to the order of yesterday.

Mr. Armstrong, a member from the House of Assembly, attending, was admitted and returned to the Chair the resolutions of the Council respecting the procuring a supply of arms and ammunition, &c., with the several amendments to the same.

The same member also returned to the Chair the resolutions of the Council respecting the opening of subscriptions for the loan of money on Continental Loan-Office Certificates, with an amendment thereto by the House of Assembly, which, being severally read and agreed to, were ordered to be transcribed and sent to the House of Assembly in order to be signed by the Speaker of that House.

Mr. Bassett is appointed to deliver the same to the House of Assembly.

The message from the House of Assembly of the 23d of April,

containing their reasons for disagreeing to certain amendments of the Council to their resolutions respecting the administration of justice, &c., was, by order, read a second time, and there

*Resolved*, That a committee of two be appointed to draw up an answer to the said message, expressing the reasons of the Council for adhering to their amendments to the said resolutions.

On motion, Messrs. Vandyke and Jones are appointed a committee for this purpose.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

The report of the committee of Council appointed to confer with a committee of the House of Assembly on the subject of the matter of the amendments proposed by the Council to the Government for the further security of the Government, was, by order, read a second time and postponed.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., May 2d, 1771

The Council met. Present the same members as on yesterday.

Mr. Bassett reported that he had delivered to the House of Assembly the several papers given to him in charge, according to the order of yesterday.

The committee appointed to draw up an answer to the message

from the House of Assembly of the 23d of April, now delivered a draught of one at the table, which, by order, was read the first time.

On motion of Mr. Jones, for leave of absence till Thursday next, on account of his indisposition, the same is granted to him.

The petition from the inhabitants of Murtherkill and Jones' Hundreds, praying the aid of the Legislature in establishing guards, &c., was read a second time, and thereupon

*Resolved*, That a committee of three be appointed to take the said petition into their consideration and report some plan whereby guards may be fixed according to the prayer of the said petitioners.

On motion, Messrs. Vandyke, Collins and Clowes are appointed a committee for this purpose.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

The Council, taking into consideration the resolutions of the General Assembly of the 25th of February last, for completing of the Delaware Regiment, and it appearing that the deficiency in the number therein mentioned hath not as yet been made up, and that the time limited in the said resolves for the premium to the recruiting officers and the additional bounty to each soldier enlisted expired on the first of this instant; therefore

*Resolved*, That the premium and bounty allowed to the officer and soldier, as mentioned in the said resolves, be continued till the first day of July next.

*Resolved also*, That it be recommended to the President that he make application to General Smallwood, or such other persons

as he may think proper, for a suitable number of officers being sent to the same battalion to be continued on the recruiting service.

*Ordered,* That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. — is appointed to deliver the same ; who, being returned, reported that he had delivered the same according to order.

Adjourned till Monday morning, 10 o'clock.

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MONDAY, May 4th, 17

The Council met, but a quorum of the members not attending, the Council adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, A. M., May 5th, 17

The Council met. Present all the members, except Mr. Hyatt and Jones.

Mr. Craghead, a member from the House of Assembly, arriving, was admitted and returned to the Chair the resolutions of the Council respecting the procuring a supply of arms and ammunition, &c., concurred in by the House of Assembly. Also the resolutions of the Council respecting the opening of subscription for the loan of money on Continental Loan-Office Certificates, concurred in by the House of Assembly ; and also the resolutions of the Council for completing the Delaware Regiment, with the concurrence of the House of Assembly thereto.

The same member likewise delivered to the Chair the bill and the amendments proposed thereto by the Council ;

whereof the House of Assembly have rejected, and to others they have agreed, with an additional amendment proposed thereto by the House of Assembly, and the following message, to wit :

*"Gentlemen :*

"The House of Assembly, having considered the amendments proposed by your honorable House to the act entitled "An act for establishing a Militia within this State," do agree to many of them, but cannot approve of all, the House still being of opinion that it is necessary to have two sub-lieutenants as well as one lieutenant in each county to carry into due execution the Militia law, have therefore rejected the 1st, 2d, 3d, 4th, 12th, 17th, 27th, 40th, 45th, and 46th amendments, because, by admitting them, the advantages expected from those officers would be lost to the Militia.

"The House have disagreed to the 37th amendment, because they do not perceive any advantage from the variation of expression therein proposed by your honorable House. The 71st amendment is rejected, as being merely consequent to the 37th.

"The House agree, in part, with the Council in the 47th amendment, and propose, as an amendment to it, to leave out the particle [a], before the word [colonel], and adding the letter [s] to the end of the word [colonel]. That part of the proposed amendment for leaving out all the words following the word [regiments], in the fifth line of the 15th enacting clause, the House cannot agree to, as depending on the first amendment proposed by Council and rejected by the Assembly.

"The House have disagreed to the 61st amendment, because they are of opinion that the fine, as it stands in the bill, does not, by any means, exceed the offence that a commissioned officer would be guilty of in neglecting to attend his duty on alarms. The same reason influenced the House in rejecting the 62d amendment.

"The House, apprehending that the 21st section of the bill has already provided for the government of the Militia of this State, at all times and places, as well within as without the State, by such articles of war only as may be established by the General Assembly, and also apprehending that the honorable Continental Congress have fully provided, in their articles of

“of war, that the Militia of the respective States should always  
“when called into Continental service, be governed by the  
“articles and regulations of their own States only where such  
“articles and regulations were made by the Legislature, and  
“therefore rejected the 73d amendment as unnecessary.

“The 81st amendment the House of Assembly cannot agree  
“to, because they conceive that sufficient provision is made  
“preventing any imposition and injustice in 14th section,  
“page. They further conceive that if the amendment proposed  
“was agreed to, such delays might and would happen in the  
“courts of law as would defeat the intention of the act.

“The House have rejected the 82d amendment, because  
“are of opinion that nothing in the act will, in any measure  
“invalidate the act entitled ‘An act for the more speedily  
“completing the quota of troops to be raised in this State for  
“Continental army.’

“Besides the amendment proposed to the 47th amendment  
“made by your honorable House, the Assembly have made  
“some small amendments to the bill, and also some amendments  
“to several of the amendments made by the Council, which  
“sent up to your honorable House for consideration.”

Which, by order, was read the first time.

By special order the same was read a second time.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Mr. Derrickson, a member from the House of Assembly attending, was admitted and delivered to the Chair the rules and articles for the better regulating of the Militia, with the amendments proposed thereto by the Council, agreed to by the House.



of Assembly, and an additional amendment proposed by the House of Assembly.

The same member also delivered to the Chair the following notice of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, A. M., May 5th, 1778.

“ On motion,

“ *Resolved*, That it is the intention of this House to adjourn  
“ on Saturday next, for this present sitting, to some future day,  
“ and that Mr. Derrickson wait on the Council with a copy of  
“ this resolution.”

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., May 6th, 1778.

The Council met. Present all the members, except Mr. Jones.

Mr. Clark, a member from the House of Assembly, attending, was admitted and delivered to the Chair “A bill to increase the number of the Justices of the Peace in each of the Counties of this State.”

The Council now resumed the consideration of the Militia bill and such of the amendments which had been proposed by the Council to the House of Assembly and either disagreed to by the Assembly generally or further amendments proposed and have receded from several of their said amendments, whereupon a second paper of amendments was proposed by the Council to the amendments of the House of Assembly, and an answer from the Council to the message of the House of Assembly of yesterday, stating their reasons for adhering to their other amendments, was drawn up at the table, which, being read and approved of, is as follows, viz :

*Gentlemen :*

Upon a review of the Militia bill and such of the amendments which had been proposed by the Council to your honorable House, and either disagreed to by you generally or for amendments proposed, the Council have receded from their several amendments which were made for the purpose of excluding the appointment of such officers as sub-lieutenants, upon the supposition that they may be, as you suppose, necessary for carrying the law into due and immediate execution, or for any failure in the execution might be imputed to such an addition in the bill. But the Council cannot agree to your amendment, proposing the leaving out of the word [schools], mentioned in our 31st amendment, as we consider the few engaged in that service so necessary for the education of youth of the State that every encouragement should be given them to pursue that business with the strictest attention. Every parent who reflects upon or regards the welfare of his offspring every guardian of the rights of a free people, must wish to encourage and promote learning; and such has been the fatal effect of the times on schools and seminaries of learning in this State that we think it worthy the attention of the Legislature to allow at least the proper exemption to the teachers in them. But if this exemption might be improperly used by setting up private schools, we have proposed an addition after the word [schools], as in No. 4 of our second amendments.

The Council adhere to their 37th amendment, as well as to the transposing of the paragraph, for that by our amendment it may be connected with a provision of the like nature as to the lengthening of the time for the election of the company officers, so that the Council think it too short as it stands in the bill.

As to the 44th amendment, the Council are of opinion that the amendment proposed thereto by your House will raise the penalty beyond the abilities of most of the poorer delinquents to pay it, and will rather tend to prevent the execution of the law than further it. An additional amendment is proposed for dividing the amount of the fine, and doubt not that it will appear so to your honorable House on further consideration. As to our 47th amendment, we apprehend that we have acceded to it in the form in which the House of Assembly intended it should be, though somewhat different from the form pointed out in your amendment thereto.

The Council have acceded to the first part of your amendment stated in No. 8, but they cannot agree to the latter part thereof, as they are of opinion that persons qualified to do the duties of lieutenants or sub-lieutenants could not be had to accept of a temporary appointment by the President, subject to a sudden removal by the General Assembly ; and the Council apprehend it necessary to strengthen the hands of the Executive Department, to render it useful, and give a necessary influence for the due execution of the laws.

As to the clause in our 81st amendment, providing an appeal from the determination of a single Justice upon a fine that may amount to one hundred and seventy pounds or more on a single person, we cannot recede therefrom, as we think it a very necessary guard against the fallibility of such a judicature and consistent with the spirit of our laws, which we ought not to loose sight of lest precedents of this sort should take place and destroy that liberty and property we are so anxiously contending for and seeking after. The delay cannot be great, unless we suppose the Courts of Justice, upon the appeal, shall not think themselves bound by the express provision made for a speedy determination, which is not to be inferred ; for, if so, the same suspicion will lie against the single Judge, who will otherwise act without control or review.

The Council adhere to their 82d amendment, for that they have their doubts as to the operation of the Militia law upon the prior act for the more speedily completing the quota of troops to be raised in this State for the Continental army ; and if the Judge or Judges, who are to determine thereon hereafter, should doubt also, they will be subjected to difficulties which will be removed by adopting our amendment ; and as the House of Assembly, from their reason assigned for rejecting the amendment, shew expressly that it is not their intention to invalidate that act, they can have no objection to remove the doubts of the Council by acceding to the amendment.

As to the 10th amendment, proposed by the House of Assembly to be added to the 13th section of the bill, the Council agree to the same, but have thought it just and necessary that a further addition should be made there, as set down in the further amendment accompanying this answer, No. 7, providing for such among us who may be conscientiously scrupulous of bearing arms in any

case, agreeable to the spirit as well as the express words of the 10th clause in our declaration of rights, for that the Council are of opinion that the several fines that those sort of people are subjected to under the present law will be a full equivalent for their protection and defect of personal service, independent of the accumulated fine for not going out upon a second call in the same class in any one year.

The Council think it unnecessary to particularize each of the further amendments, as those unnoticed depend on the like reasons assigned on their similar amendments, and therefore refer your honorable House to the further amendments set down in their second paper of amendments delivered with the answer.

*Ordered*, That the said answer and amendments be transmitted and sent by Mr. Hyatt to the House of Assembly.

The committee to whom was referred the petition from the inhabitants of Murtherkill and Jones' Hundreds, praying that the Legislature in establishing guards, &c., now made a report, which, by order, was read the first time.

And, by special order, the same was read a second time thereupon resolved, as follows, viz :

1. That the President or Commander-in-Chief be authorized and empowered forthwith to raise three companies in this State to wit : one company in the County of New Castle, to consist of sixty men, non-commissioned officers and privates, under the command of one captain and two lieutenants ; one company in Kent County, to consist of seventy-five men, non-commissioned officers and privates, under the command of one captain and two lieutenants ; and one company in Sussex County, to consist of forty men, non-commissioned officers and privates, under the command of one captain and one lieutenant. The said captain and lieutenants to be appointed and commissioned by the President or Commander-in-Chief.

2. That the said officers and men shall be entitled to receive Continental pay and rations, and shall be subject to the rules and articles of war, provided for the regulation of the militia of this State, during their continuance in this service.

3. That the President or Commander-in-Chief be empowered

to discharge the whole, or any one, or any part of the said companies when he shall think proper.

4. That the said companies be stationed near to or along the shores in the respective counties of this State, in such places and in such manner as the President or Commander-in-Chief shall from time to time think fit to order and direct.

5. That the duty of the said companies respectively shall be to prevent the enemy and refugees from landing in the State ; to apprehend, take up and secure any person or persons going to, coming from, or trading with the enemy or the said refugees, together with all their goods, merchandise and provisions, and the teams and boats in which the same be, and to render a true account thereof to the President or Commander-in-Chief, and deliver the same to his order or appointment.

6. That the President or Commander-in-Chief be empowered to appoint one or more suitable persons in each county to furnish the company of such county with the rations allowed ; and that it be recommended to the House of Assembly to make provision for the execution of the aforesaid plan.

*Ordered,* That the same be transcribed and sent by Mr. Hyatt to the House of Assembly for their concurrence.

Mr. Waples, a member from the House of Assembly, attending, was admitted and delivered to the Chair an account of Thomas Wilds, Goaler of Kent County, for expenditures on behalf of several prisoners and deserters in his custody, together with his petition to the General Assembly for the payment thereof, and the proceedings of the House of Assembly on the said petition.

On motion, by order, the bill to increase the number of Justices of the Peace, &c., was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., May 7th, 17

The Council met. Present all the members, except Mr.

Mr. Hyatt now reported that he had delivered to the House of Assembly the several papers given in charge to him according to the order of yesterday.

The report of the committee appointed to draw up an answer to the message of the House of Assembly of the 23d of April was, by order, read a second time, and several amendments proposed and agreed to. The said answer is as follows, viz.

*Gentlemen :*

The Council have considered your message in answer to the message of the 18th April last, respecting their amendments to the resolution of your House relative to the administration of justice, &c. &c. cannot help expressing their surprise at your persisting to urge upon the Council to join in a general charge of guilt upon officers of justice, holding commissions for different terms during the last year of their behaviour, without knowing the particular persons alluded to therein, or they, or any of them, called upon or heard as witnesses in the matters alleged. This conduct we hold to be incompatible with the station we are in as the Supreme Court of Judicature in respect to the trial of offenders against the State, and we do not receive it the indispensable duty of Courts and Judges to consider none unheard. We apprehend it is immaterial whether the facts be well attested or not. In the present stage of the business it is sufficient that they are alleged by the Assembly. This is the foundation for an inquiry. The persons charged are, by the Constitution and tenure of their offices, entitled to a fair trial before conviction. The exercise of this power belongs to the General Assembly, and not to the President, therefore it is improper to be pointed out in an address to the President. We propose in your message, until some hearing thereon, to be able to the principles of our Constitution.

It is also improper for the Council to deny the facts mentioned in your second resolve, for their truth or falsehood ought to be uniformly to be inquired into before the persons accused, in

choose, on being summoned, to appear. The House of Assembly may either impeach the officers before the Council, or resolve that they be called on to answer the charges against them; it would, therefore, be ill-judged by the Council to make themselves a party in the question by a denial of the facts. It is sufficient that we have pointed out a mode in our message, now before your House, to which we beg leave to refer you.

We do not think that a total rejection of the second resolve, in which the grievances are pointed out, would make the resolutions testify that the only grievance existing is the appointment of two Justices of the Supreme Court in one county, and that justice in every other part has been duly administered. Nevertheless, if the House of Assembly conceive it will receive such construction, the Council will have no objection to the total leaving out of the first resolve and the preceding preamble, which, we do admit, are not necessary to precede the resolution respecting the Judges of the Supreme Court.

The Council proposed an amendment to your third resolve, for that, in their opinion, the reason therein mentioned does not exist. The Clerks of the Supreme Court in the respective counties of this State may, and usually have, all kinds of remedial writs in their hands calculated for removing the determinations of inferior judicatures, so that the want of a Judge resident for this purpose doth not appear so proper for the foundation of the subsequent resolve; therefore the Council cannot, for a reason which they know does not exist, agree to request the Justices of the Supreme Court who reside in one county to resign their commissions; yet, for a reason which at present does exist, they have concurred in such a request, and it must be a matter of small moment to your honorable House whether our concurrence with you proceeds from the same cause or motive or no, as the same end will be effected.

The Council have not at this time agreed to your proposition of a committee of conference on the subject matter of the second resolve aforesaid. We flatter ourselves that your House, on a reconsideration of the amendments and the principles on which they were proposed, will be inclined to adopt them.

*Ordered*, That the foregoing answer be transcribed and sent by Mr. Hyatt to the House of Assembly.

Mr. Hyatt, being returned, reported the delivery of the according to order.

On motion, by order, the bill to increase the number of justices, &c., was read a second time, and an amendment was proposed and agreed to.

*Ordered*, That the same be transcribed and sent by Mr. together with the said bill, to the House of Assembly.

Mr. Hyatt reported the delivery thereof according to order.  
Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., May 8th, 18

The Council met. Present the same members as on yesterday.

Mr. Derrickson, a member from the House of Assembly attending, was admitted and delivered to the Chair two members from the House of Assembly to the Council, which were and are as follows, viz :

*"Gentlemen :*

*"This House have received the answer of the Council to the message from this House respecting the amendments to the resolutions of this House, of the 9th of April last, for the ministration of justice, and have acceded to the same amendments."*

*"Gentlemen :*

*"The House of Assembly have taken into their consideration the Militia bill and the second paper of amendments to the message accompanying the same, and have disagreed to the 7th amendment proposed in the said second paper, and continue to adhere to their resolution of rejecting divers amendments proposed by the Council in the first paper."*



"but for the dispatch of business the House of Assembly propose to your honorable House the appointment of committees to confer on the subject matter of those amendments."

The same member also returned to the Chair the resolution of the Council for the establishing of guards, &c., concurred in by the House of Assembly, who proposed an additional resolve thereto, which was read and concurred in, and is as follows, viz :

*"Resolved,* That his Excellency, the President, be empowered and required to draw out of the Loan Offices of this State, or any of them, such sum or sums of money as he may deem necessary for the carrying into execution the aforesaid resolution for raising the said three companies of guards, and that this House will devise ways and means for replacing the same."

*Ordered,* That Mr. Hyatt return the same to the House of Assembly, concurred in by the Council.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

A message from the President, inclosing a resolution of Congress recommending the passage of a law offering pardon to such of the inhabitants or subjects of the State as have levied war against any of the States, or adhered to, aided or abetted the enemy, and shall surrender themselves by a limited time, was delivered at the table.

On motion, by order, the foregoing message and resolution were severally read the first time. The said message is in these words, viz :

*"Gentlemen of the Legislative Council :*

"I just received a packet from the President of Congress, inclosing a resolution of that honorable body recommending to the several States the enacting laws, &c., for granting pardons, &c. I have sent your honors, with this message, a copy of the above-mentioned resolution for your consideration.

"CÆSAR RODNEY."

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., May 9th, 17

The Council met. Present the same members as on yeste

Mr. Derrickson, a member from the House of Assembly, attending, was admitted and returned to the Chair the Militia bill with the several amendments of each House to the said bill, and also delivered the bill to increase the number of Justices, signed by the Speaker of the House of Assembly.

The message from the House of Assembly, respecting the pointment of committees to confer on the subject matter of amendments to the Militia bill, was, by order, read a second time, and thereupon the following answer to the said message was drawn up at the table, viz :

*Gentlemen :*

The Council have taken into consideration your message of yesterday, and would gladly embrace every method calculated for the dispatch of the public business, particularly the bill for establishing a Militia, and have no other objection to the pointment of a committee of conference as to the dispatch of amendments proposed to that bill than the declaration of the House, in their message proposing such a conference, that they still continue to adhere to your resolution of rejecting such amendments. The Council apprehend the design of such a conference is to hear the reasons for and against the point of dispute between the two Houses, and have the opinion of each select part of them thereon reported. If your honorable House consider the points open for discussion, and that your Council are not absolutely bound to reject every of those amendments proposed, we are ready and willing to have them discussed and reported upon by such a committee ; and that no delay may be, the Council have named Messrs. Vandyke and Bassett the referees on this occasion, on the supposition that the committee to be appointed by you will be at liberty, as aforesaid.

*Resolved*, That Mr. Vandyke wait on the House of Assembly with the foregoing answer and inform them of the said appointment.

Mr. Lewis, a member from the House of Assembly, attending, was admitted and returned to the Chair the foregoing answer, concurred in by the House of Assembly, and the following appointment of that House, viz :

“IN THE HOUSE OF ASSEMBLY,  
“SATURDAY, P. M., May 9th, 1778.

“Read and concurred in ; and Messrs. Patterson, Bryan, and Craghead are appointed, on the part of this House, conferees “for the purposes aforesaid, with directions to proceed in the “business assigned them as soon as may be.”

The same member also delivered to the Chair certain resolutions of the House of Assembly empowering the President to borrow five thousand pounds, on the credit of the State, and apply the same in discharge of the accounts due to the Militia heretofore called out ; also a resolution of the House of Assembly directing the Speaker to write to the signers of the last emission of paper currency, &c. ; also the resolutions of that House for the appointment of committees to adjust the Loan Office accounts ; and also the resolutions of that House for the appointment of John Dickinson, Esquire, to be one of the committee for stating an account of expenditures, &c.

On motion, by order, the several foregoing resolutions were respectively read the first time.

On motion, by order, the resolution of Congress, recommending the passing of a law offering pardon to such of the inhabitants as have levied war against any of the States, &c., was read a second time and referred to Messrs. Clowes, Vandyke, and Bassett, to prepare and bring in a bill for that purpose.

Adjourned till Monday morning, 10 o'clock.

MONDAY, May 11th, 177

The Council met. Present all the members, except Mr. Clowes, Conwell, and Jones.

The committee appointed to confer with the committee of the House of Assembly on the subject matter of the amendment of the Militia bill, now delivered their report at the table, which was read and agreed to, and thereupon the following message, forwarded on the said report, was drawn up at the table, viz :

*Gentlemen :*

Upon the report of the conferees on the subject of the several amendments to the Militia bill in dispute between the two Houses, the Council have agreed to the report, as follows, to wit :

That the further amendment, as proposed by the House of Assembly in their second paper of amendments, be adopted, striking out the word [white], as mentioned therein, and adding the 3rd amendment, proposed by the Council in their first paper. That the 8th amendment of the Council in their first paper be a part of the bill upon striking out the words [except in extraordinary cases, of which the Court shall judge]. That the amendment of the Council, mentioned in their first paper, stand and be inserted in the bill ; and that the 7th amendment of the Council, in their second paper, be receded from. So that if your House shall approve of the report of the conferees as aforesaid, the bill may be immediately engrossed and enacted into law.

*Ordered,* That the same be transcribed and sent by Mr. [ ] to the House of Assembly, together with the Militia bill and several amendments.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., May 12th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Hyatt now reported the delivery of the several papers committed to his charge according to the order of yesterday.

On motion, by order, the bill to enable Charles Pope, his heirs, &c., to erect a bridge over Duck Creek, was read the first time.

By special order the same was read a second time, and, for the better information of the Council, thereupon

*Resolved*, That a committee of two be appointed to go to the place where the said bridge is proposed to be erected and view and report their opinion thereon.

Messrs. Collins and Hyatt are appointed, on the part of the Council, for this purpose, and thereupon a message from the Council to the House of Assembly, proposing the appointment of a like number of the members of that House to join the said committee of the Council, was drawn up at the table, and follows in these words, viz :

*Gentlemen :*

The Council, upon the best information they have been able to obtain respecting the propriety of giving privilege to Lieutenant Colonel Charles Pope to erect a bridge over Duck Creek at the distance of twenty feet above the public wharf there, as proposed in the bill now before us, have reason to apprehend that the public as well as private interest may be considerably injured by placing the said intended bridge so near the same wharf, and below other wharves, storehouses and landing places heretofore much used for lumber of all kinds, and from the nature and situation of the ground along the creek below the public wharf always must be useful and necessary. The Council have also reason to believe that liberty of erecting a bridge across Duck Creek aforesaid above all the wharves, storehouses and landing places not more than ten or twelve rods distance higher up the creek, might be granted to Colonel Pope without apparent injury to the public

or private interest, and nearly as convenient for him; but, neither the petitioner for the bridge or any of those against save one, and him on this day, have attended this House enable them to determine satisfactorily thereon, the Council desirous of the best information, and therefore propose to y honorable House the appointment of two or more of the m bers of each House to proceed to the place where, and view, report their opinion thereon. This may be done in the co of an evening or morning, with but little trouble or loss of ti and for this purpose the Council have named Messrs. Hyatt Collins on their part.

*Ordered*, That the same be transcribed and sent by Mr. Bassett to the House of Assembly.

Mr. Bassett, being returned, reported the delivery thereof according to order.

A member from the House of Assembly, attending, was admitted and delivered to the Chair the bill to increase the number of the Justices of the Peace, &c., signed by the Speaker of the House of Assembly.

*Ordered*, That the same be signed by the Speaker of the Council.

Which was done accordingly.

On motion,

*Resolved*, That the President or Commander-in-Chief affix Great Seal of this State to the bill entitled "An act to increase number of the Justices of the Peace in each of the Counties of this State."

On motion, by order,

The resolution of the House of Assembly, directing the Speaker to write to the signers of the last emission of paper currency, read a second time and concurred in, and follows in these words viz :

"IN THE HOUSE OF ASSEMBLY,

"FRIDAY, A. M., May 1st, 1777

"WHEREAS it appears to this House that some of the money emitted by an act of General Assembly of this State, enti

" 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,' are still in the hands of several of the signers of the said currency in the County of New Castle ; therefore

" *Resolved*, That the Speaker be desired to write to the several signers of the said emission of paper currency within the said County of New Castle, requiring them to deliver such of the said monies as remain in their hands of the said emission to the Trustee of the Loan Office of the said county, agreeable to the said act, and that they make report of the sums in their hands respectively to the President of this State forthwith."

On motion, by order,

The resolution of the House of Assembly for borrowing the sum of 7,500 dollars upon the credit of the State, was read a second time and concurred in, and is as follows, viz :

" IN THE HOUSE OF ASSEMBLY,

" MONDAY, April 20th, 1778.

" The House resumed the consideration of the late Vice-President's message of the 13th of March last, and thereupon

" *Resolved*, That the sum of seven thousand five hundred dollars be borrowed upon the credit of this State, and that the President sign certificates to the person or persons lending the same.

" That this House will devise ways and means for the repayment of the said sum to the lender or lenders thereof, with interest at the rate of six per cent. per annum until the same be repaid.

" That the said sum of seven thousand five hundred dollars be put into the hands of Thomas Rodney, Esquire, for the purpose of completing the purchase of clothing for the Delaware Regiment ; and that the said Thomas Rodney be accountable for the expenditure thereof to the General Assembly, or to the President or Vice-President of the State for the time being in the vacation of Assembly, in order that the State may have the sum expended refunded by Congress."

*Ordered*, That Mr. Bassett wait on the House of Assembly the two last mentioned resolutions concurred in respectively the Council, and also the bill for increasing the number of Justices of the Peace in each county of this State, signed by the Speaker of the Council, and the resolution for affixing the Seal to the same.

Mr. Bassett reported that he had waited on the House of Assembly and delivered the said papers according to order.

Mr. Molleston, a member of the House of Assembly, arriving, was admitted and delivered to the Chair a "Bill for one hundred and twenty thousand dollars for the service of the present year, by a general tax;" and also delivered the resolutions of the House of Assembly for the appointment of a State Treasurer, a Clothier General, and a Commissary General of Prisoners for this State, and then withdrew.

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., May 13th, 1811

The Council met. Present all the members except Mr. Clowes and Jones.

On motion, by order,

The resolutions of the House of Assembly for the appointment of a State Treasurer, a Clothier General, and a Commissary General of Prisoners for this State, were read the first time.

On motion, by order,

The bill for raising 120,000 dollars for the service of the present year, by a general tax, was read the first time.

Adjourned till 3 o'clock, P. M.



EODEM DIE, P. M.

The Council met.

The committee appointed to prepare and bring in a bill offering pardon to such of the inhabitants or subjects of the State as have levied war against any of the States, or adhered to, aided or abetted the enemy, and shall surrender themselves by a limited time, now delivered one at the table, which, by order, was read the first time.

The resolutions of the House of Assembly, empowering the President to borrow five thousand pounds, on the credit of the State, and apply the same in discharge of the accounts due to the Militia heretofore called out, were, by order, read a second time and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,  
“ SATURDAY, A. M., May 9th, 1778.

“ On motion,

“ *Resolved*, That the President or Commander-in-Chief of this State be authorized and empowered to borrow, on the credit of the State, the sum of five thousand pounds, and that he sign certificates to the person or persons who may lend the same, and this House will devise ways and means for the repayment to the lender or lenders thereof, with interest at the rate of six per cent. per annum until the same shall be repaid.

“ *Resolved also*, That the sum so to be borrowed be applied by the President or Commander-in-Chief, in such manner as he shall think best, in discharge of the accounts due to the Militia heretofore called out.”

The Council then resumed the consideration of the bill for the further security of the Government, and after some time spent therein, the same was postponed until to-morrow morning.

Adjourned till to-morrow morning, 9 o'clock.

THURSDAY, A. M., May 14th, 17

The Council met. Present the same members as on yeste

The Council now proceeded in the consideration of the b  
the further security of the Government, and thereupon a s  
paper of amendments to the same was proposed, agreed to  
ordered to be transcribed and sent to the House of Assemb  
their consideration and concurrence, with the following mes  
viz :

*Gentlemen :*

The Council now send you the bill for the further secur  
the Government, with a second paper of amendments. B  
report of the committee of conferees it appears that it was a  
between them that the words in dispute in the sixth amend  
proposed by the House, should be struck out of the bill an  
words [and Constitution], mentioned in the 7th amendmen  
tained, and the words [the, as now established], struck out,  
the Council have agreed to. You will perceive by the s  
paper of amendments that the Council have proposed an ar  
ment to their 27th amendment, which, they hope, will be  
factory and remove all objections ; but they beg leave to r  
you that the 1st of June, the time limited for completing th  
ministration of the test in the first instance, will be rather  
short, either for the body of the people of the State to kno  
contents of the law, or the ministerial officers therein to pe  
their duty under it.

*Ordered,* That Mr. Hyatt return to the House of Asse  
the resolution empowering the President to borrow five tho  
pounds, on the credit of the State, and apply the same in  
charge of the accounts due to the Militia heretofore calle  
with the concurrence of the Council thereto ; and also the b  
the further security of the Government, with its several ar  
ments, and the foregoing message.

Mr. Hyatt, being returned, reported the delivery of the  
said several papers, according to order.

On motion, by order,

The bill for raising 120,000 dollars for the service of the present year, by a general tax, was read a second time.

The same, by order, was read a third time by paragraphs, and will pass.

*Ordered*, That the said bill, thus agreed to, be returned by Mr. Conwell to the House of Assembly, with the following verbal message, viz :

*Gentlemen :*

The Council do agree to pass the bill for raising 120,000 dollars in the Delaware State for the service of the year 1778, by a general tax, into a law as soon as the blank therein for the name of the State Treasurer shall be determined upon a ballot by the two Houses, which the Council are ready to go into when it may be convenient to the House of Assembly.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and delivered to the Chair "The act for establishing a Militia within this State ;" and also the "Rules and articles for the better regulating of the Militia within the same," respectively signed by the Speaker of the House of Assembly.

The resolutions of the House of Assembly respecting the appointment of a State Treasurer, a Clothier General, and a Commissary General of Prisoners, were, by order, read the second time and rejected in part.

The resolution of the House of Assembly respecting the appointment of John Dickinson, Esq'r, to be one of the committee for stating an account of expenditures, &c., was, by order, read a second time, and an amendment was proposed and agreed to, and ordered to be transcribed.

The resolutions of the House of Assembly for the appointment of committees for adjusting the Loan Office Accounts, were, by order, read a second time and rejected ; whereupon a message was drawn up at the table, read and agreed to, and is in these words, viz :

*Gentlemen :*

The Council, on considering the resolutions of your House, of

the 12th instant, sent for our concurrence, are of opinion that as to the first, it is unnecessary, as such an officer as State Treasurer will be expressly appointed by the tax bill, now before the House; therefore, as to that officer, all that is wanting is to appoint him at the time of balloting for him. As to the second resolution, for the appointment of a Clothier General for the Delaware Regiment, we apprehend this was done by the appointment of Thomas Rodney, Esquire, in the resolutions, framed in your House, and concurred in here, for the borrowing seven thousand five hundred dollars, on the credit of the State, and applying it for the purchase of clothing for that regiment, to which we beg leave to refer you. As to the third resolution, for the appointment of a Commissary of Prisoners, we agree to the same, and that the officer be elected by joint ballot.

The Council have been desirous of consulting Mr. Dickinson as to his willingness to undertake the business of a commissioner of the general accounts between this State and the United States, but have not had the opportunity since the coming of your resolution for his appointment to this House; but as that gentleman complains much of his want of health, we are inclined to think he will decline the appointment, or that his indisposition will delay the immediate going on with this business, therefore we have proposed another person to be inserted in his stead, to wit: Mr. Daniel Robertson, one conversant in accounts, and residing in the Town of Dover.

The Council have returned the resolve for the appointment of committees for settling the accounts of the General Loan Office, as disagreed to in the form it now stands, as each committee consist of three persons only, and two of these three are to be named by the House of Assembly, and the other by the Council, by an express provision in the late act for the emitting of an additional sum of twenty-five thousand pounds in Bills of Credit for this State, which the Council apprehend was not attended to by your honorable House.

*Ordered*, That the several foregoing resolutions, together with the transcribed amendment and the above message relative thereto, be also sent by Mr. Conwell to the House of Assembly.

Mr. Conwell, being returned, reported the delivery of the several papers committed to his charge, according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for granting a free pardon to such of the inhabitants or subjects of the State as have levied war against any of the States, was read a second time.

The same was read a third time by paragraphs, and some amendments were agreed to and ordered to be transcribed and sent by Mr. Baning to the House of Assembly for their concurrence.

Adjourned till to-morrow morning, 9 o'clock.

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FRIDAY, A. M., May 15th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Baning now reported that he had delivered the bill for granting a free pardon, and the transcribed amendment thereto, to the House of Assembly, according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

A bill to prevent the inhabitants of this State from dealing and furnishing the enemies thereof with supplies, and for other purposes therein mentioned, was laid on the table, and, by order, read the first time.

By special order the same was a second time read and agreed to.

The bill for establishing a Militia within this State, being engrossed, was read and compared, and ordered to be signed by the Speaker, which was accordingly done.

The rules and articles for the better regulating of the Militia whilst under arms, being engrossed, was read and compared, and ordered to be signed by the Speaker, which was accordingly done.

*Ordered,* That Mr. Banning deliver the bill to prevent the inhabitants of this State from dealing and furnishing the enemies thereof with supplies, &c., to the House of Assembly for consideration and concurrence, and also return the two last mentioned bills, respectively signed by the Speaker of the Council.

Mr. Banning reported the delivery of these several papers accordingly to order.

On motion,

*Ordered,* That the private printed copy of the Articles of Confederation and Union between the States of America, in the possession of the Speaker, be now read and taken into consideration as there is little prospect of obtaining a certified copy of the same from Congress during the present sitting of the General Assembly.

And the same was accordingly read, and the further consideration postponed till to-morrow.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., May 16th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Davis, a member from the House of Assembly, attending, was admitted and delivered to the Speaker a resolution of the House of Assembly for affixing the Great Seal to the Militia bill, and the rules and articles for the better regulating of the Militia, &c., with the following verbal message, viz :

*"Gentlemen :*

*"The House of Assembly, being desirous to complete, as speedily as possible, the Militia bill and the bill for raising one hundred and twenty thousand dollars, &c., propose to the Council that both Houses meet in the House of Assembly to-morrow morning at 10 o'clock, to put in nomination persons to be balloted for as lieutenants and sub-lieutenants for the respective counties, and also a State Treasurer."*

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the Militia bill, &c., was read and concurred in, and is as follows, viz :

*"On motion,*

*"Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following bills, to wit :*

*"1. An act for establishing a Militia within this State," and*

*"2. Rules and articles for the better regulating of the Militia whilst under arms or embodied."*

Mr. Hyatt is ordered to return the foregoing resolutions, with the concurrence of the Council thereto, and inform the House of Assembly that the Council have agreed to their proposition to meet them in the House of Assembly forthwith to put in nomination persons to be balloted for as lieutenants and sub-lieutenants for the respective counties.

Mr. Hyatt, being returned, reported his delivery of the and message committed to him according to order.

Mr. Patterson, a member of the House of Assembly, arriving, was admitted and informed the Speaker that the members of Assembly were ready to receive the Council and proceed to the nomination aforesaid.

The Council then proceeded to the Assembly Room, and met the House of Assembly, when several persons were nominated for the offices of lieutenants and sub-lieutenants of the respective counties, and their names taken down for the consideration of both Houses.

On motion,

*Resolved*, That the General Assembly now separate, and again at 3 o'clock this afternoon, in the Council Room, to consider for the said officers out of the persons now put in nomination.

Then the House of Assembly withdrew.\*

Mr. Black, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for the security of the Government, signed by the Speaker of the House of Assembly.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P.

The Council met.

*Ordered*, That Mr. Banning wait on the House of Assembly, to inform them that the Council are now ready to receive the ballot for lieutenants and sub-lieutenants.

Mr. Banning, being returned, reported that he had delivered the aforesaid message according to order.

\* So recorded.



The House of Assembly, agreeable to the order of the day, met the Council in the Council Room, and having prepared tickets for the election of lieutenants and sub-lieutenants for the several Counties of this State, under the Militia law, and having put the same into a ballot-box, the Speakers of the two Houses, in the presence of the members, examined the box, and it appeared as follows : That there was a majority of votes in favor of George Evans, Esq., for Lieutenant for the County of New Castle, and a unanimous vote in favor of Henry Darby and Samuel Smith, Gentlemen, for sub-Lieutenants for the said County of New Castle ; and that there was a unanimous vote in favor of Samuel West, Esquire, for Lieutenant for the County of Kent, and a majority of votes in favor of Francis Manny and Benj. Coombs, Gentlemen, for sub-Lieutenants for the said County of Kent ; and that there was a majority of votes in favor of Henry Neill, Gentleman, for Lieutenant for the County of Sussex, and a majority of votes in favor of Nathaniel Waples and Charles Moore, Gentlemen, for sub-Lieutenants for the said County of Sussex.

Then the House of Assembly withdrew.

On motion,

*Resolved*, That the said George Evans be recommended to his Excellency, the President, to be commissioned lieutenant, and the said Henry Darby and Samuel Smith to be commissioned sub-lieutenants, under the Militia law, for the County of New Castle ; and that the said Samuel West be recommended to the President to be commissioned lieutenant, and the said Francis Manny and Benjamin Coombs to be commissioned sub-lieutenants under the said law for the County of Kent ; and that the said Henry Neill be recommended to the President to be commissioned lieutenant, and the said Nathaniel Waples and Charles Moore to be commissioned sub-lieutenants under the said law for the County of Sussex.

*Ordered*, That Mr. Bassett deliver the foregoing resolution to the House of Assembly for their consideration and concurrence.

Mr. Bassett, being returned, reported the delivery of the same according to order.

Mr. Davis, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for raising one

hundred and twenty thousand dollars in the Delaware State the year 1778, by a general tax, engrossed and signed by the Speaker of the House of Assembly.

Adjourned till Monday morning at 10 o'clock.

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MONDAY, A. M., May 18th, 1778.

The Council met. Present all the members except Mr. Jones, Clowes, and Vandyke.

Mr. Adams, a member of the House of Assembly, arriving, was admitted and returned to the Chair the bill to protect the inhabitants of this State from dealing and furnishing the enemies thereof with supplies, &c., with three amendments proposed thereto by the House of Assembly, which were read and unanimously disagreed to; and thereupon a message from the Council to the House of Assembly, showing the reasons of their dissent to the said amendments, was drawn up at the table and approved of, and is as follows, viz :

*Gentlemen :*

The Council having taken into consideration the three amendments proposed by your honorable House to the bill to prevent dealing and furnishing the enemy with supplies, have unanimously disagreed to them for the following reasons to wit :

As to the first, for that no Prince or State, other than the French King, hath, as yet, to our knowledge, publicly avowed the independence of the United States, or entered into any treaty of commerce or alliance with them, and consequently ought not to be admitted to the same freedom of trade with our enemies as our ports as is especially stipulated in favor of the subjects of the French King by the 25th and 26th articles of the treaty of commerce lately entered into between the said King and the United States; and we apprehend that by the said first amendment

neutral powers, so far as respects this State, will be considered as privileged to carry supplies, even to the port of Philadelphia while in the possession of the enemy, which we conceive ought not to be.

As to the second amendment, for that, by the resolve of Congress of the 23d of March, 1776, declaring what captures shall be adjudged prizes, express provision is made for the payment of seamen's wages, and the reason which, we presume, and have reason to believe, induced Congress to do so, operates with us to reject your said amendment, to wit: That seamen are a set of people extremely necessary and wanting in the service of the United States; that they are seldom much attached to any service, and that we ought not to consider those sailing in merchant vessels as enemies or parties in this dispute, but by paying their wages, though their ships are captured, we shall bias them to our cause and service, and make them more indifferent as to the fate of the vessels they may be in; besides, by this exclusion, as proposed, the seamen of wrecked vessels would be put upon a different footing from seamen of captured vessels, who will be entitled to their wages under the resolve of Congress.

As to the third amendment, for that the words therein proposed to be inserted in the bill are merely relative, and have not a proper subject of reference, as no special mode for division of the moiety allotted to the first possessor, or manner in which the prize should be secured, is pointed out, other than in the sentence where the amendment is proposed to be placed.

*Ordered*, That the said message be transcribed and sent by Mr. Bassett to the House of Assembly.

Mr. Bassett, being returned, reported the delivery thereof according to order.

Mr. Lockwood, a member of the House of Assembly, attending, was admitted and returned to the Chair the resolution of the Council empowering the President to commission lieutenants and sub-lieutenants under the Militia law, with the concurrence of the House of Assembly thereto.

*Ordered*, That the bill for raising 120,000 dollars within this State for the service of the present year, by a general tax, and also the bill for the further security of the Government, be now

respectively signed by the Speaker of the Council, which was cordingly done.

On motion, by order,

The account of Thomas Wilds, Goaler of Kent County, against the Delaware State, with the petition and proceedings of the House of Assembly thereon, were read the first time and ordered to lie over for consideration until to-morrow.

Adjourned to 10 o'clock to-morrow.

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TUESDAY, A. M., May 19th, 1777

The Council met. Present the same members as on yesterday.

On motion,

*Resolved*, That the President and Commander-in-Chief deliver the Great Seal of this State to the following bills, to wit :

1. "An act for the further security of the Government,"
2. "An act for raising 120,000 dollars in the Delaware State for the service of the year 1778, by a general tax."

*Ordered*, That Mr. Banning return the foregoing bills, signed by the Speaker of the Council, to the House of Assembly, and also deliver the foregoing resolution for affixing the Great Seal thereto, for their concurrence, and the following message, viz :

*Gentlemen :*

We send you the bill for the further security of the Government, and also the bill for raising 120,000 dollars in the Delaware State, by a general tax, signed by the Speaker of the Council, and recommend that some speedy method be adopted for furnishing the respective counties with copies of these bills, which shall be sealed and enacted into laws. Of the first of these not less than 54 copies will be wanted for the use of the Justices of the Peace in the several counties, and that forthwith, that they may be

abled to perform the duties required of them therein, and avoid the heavy penalty they are liable to for an omission of any of those duties, and there is but about six weeks allowed for the completing this business. As to the second act, three copies should be immediately made and sent to the Clerk of the Peace of each County, with directions to notify the Justices of the Peace that the special court ordered therein may be held on or before the tenth day of June next, otherwise the law will loose its operation.

Mr. Baning, being returned, reported the delivery of the several papers aforesaid according to order.

The Council now took into consideration the account and petition of Thomas Wild and the report of the committee of the House of Assembly thereon, and agreed to the said report, which follows in these words, to wit :

“ IN THE HOUSE OF ASSEMBLY,  
“ WEDNESDAY, P. M., May 6th, 1778.

“ On motion,

“ The House resolved itself into a committee of the whole to take into consideration the petition and account of Thomas Wild, Goaler of Kent County, and after some time spent therein the Speaker resumed the chair and the chairman reported from the committee that they had allowed to the said Thomas Wild the sum of ninety-six pounds nineteen shillings for the following services, viz :

“ For subsisting five persons of the United States, .	£74 9 0
“ For subsisting sundry deserters from the army of	
“ the said States, . . . . .	22 10 0
	£96 19 0

“ Which said report was agreed to by the House.”

Thereupon

*Resolved*, That it be recommended to his Excellency, the President, to transmit a copy of the said Thomas Wild's account, for subsisting the British prisoners aforesaid, to Congress, or the Commissary General of Prisoners, as he may think fit, that this

State may be repaid the same by Congress, and for this purpose that the original account be lodged with the President.

*Resolved also,* That the original account of the said Thomas Wild, for subsisting deserters as aforesaid, be lodged with the President, and that he be required to transmit a copy thereof to the proper officers of the respective regiments to which such deserters belonged, that stoppages may be made out of their pay respectively, and this State enabled to charge the same to the United States.

*Ordered,* That Mr. Collins wait on the House of Assembly with the above resolutions for their concurrence, and return the account and petition of the said Thomas Wild and the report of the committee of the House of Assembly agreed to by the Council.

The committee appointed by the Council to view the place where the bridge mentioned in the bill before the House, upon the petition of Charles Pope, is proposed to be built, now reported that they had proceeded to the said place, and are of opinion that a bridge erected over Duck Creek there will be of public as well as private utility, if a road shall be opened from the north end thereof to the road leading from Salisbury town to the Town of Houghfare, and that this ought to be done by and at the expense of the petitioner, as soon as the said bridge shall be erected; the nearer the said bridge shall be placed to the upper side of the public wharf there, it will do the least injury to the owner of the land on the south side of the creek, and best answer the purpose of the petitioner; but that the same ought to be a drawbridge to preserve an useful navigation above the place where, &c.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and returned the bill to prevent dealing and furnishing the enemy with supplies, &c., and delivered the following message, to wit :

"A MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

"*Gentlemen :*

"The House of Assembly have received your message of yesterday, relative to the three several amendments proposed by this House to the bill to prevent dealing and furnishing the enemy with supplies, &c., and disagreed to by the Council, and, upon a reconsideration of the same, have receded therefrom.

"Signed by order of the House,

"SAM'L WEST, *Speaker.*

"Dover, May 19th, 1778."

*Ordered,* That the said bill be engrossed.

Mr. Molleston also delivered to the Chair a bill for regulating the fees of divers civil officers, &c., which, by order, was read the first time.

The Council now proceeded in the consideration of the bill to enable Charles Pope, his heirs, &c., and agreed to an amendment thereto.

*Ordered,* That the same be transcribed and sent, with the said bill, to the House of Assembly by Mr. Collins.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, A. M., May 20th, 1778

The Council met. Present the same members as on yesterday.

Mr. Collins now reported the delivery of the several papers committed to his charge, according to the order of yesterday.

The Speaker laid before the Council the resignation of William Killen, Esq., Chief Justice of the Supreme Court of this State, by a writing under his hand and seal, and also a letter from John Cook, Esquire, declaring his resignation as third Justice of the same Court.

Which, by order, were severally read; and thereupon the following address from the Speakers of the two Houses to the General Assembly was laid on the table, viz:

*To the Honorable General Assembly of the Delaware State*

GENTLEMEN—In pursuance of the resolves of the General Assembly respecting the appointment of Justices of the Supreme Court in each County of the State, we, by a letter of the instant, addressed to the Honorable William Killen and John Cook, two of the Justices of said Court residing in Kent County, requested of those gentlemen a resignation of their commissions, that a nomination of persons to fill that Court, residing in each County of the State, might be made for the more speedy execution of the law, necessary under the present circumstances of the State, and at the same time transmitted copies of your said resolves. In answer to which we have received, through the hands of his Excellency, the President, the resignation of the Honorable William Killen, Esquire, Chief Justice of the said Court, by a writing under hand and seal, and a letter from the Honorable John Cook, Esquire, declaring his resignation as third Justice of the same Court, both of which papers we lay before you for your further order therein.

20 May, 1778.

GEO. REED.  
SAM'L WEST, *Speaker*

*Ordered*, That Mr. Banning deliver the foregoing message and papers to the House of Assembly for their perusal.



The bill to prevent dealing and furnishing the enemy with supplies, &c., being engrossed, was read and compared and ordered to be signed by the Speaker ; which was accordingly done.

On motion

*Resolved*, That the President and Commander-in-Chief affix the Great Seal of the State to the bill entitled "An act to prevent the inhabitants of this State from dealing and furnishing the enemy with supplies, and for other purposes therein mentioned."

*Ordered*, That Mr. Baning deliver the foregoing bill and resolution to the House of Assembly for their concurrence.

Mr. Baning, being returned, reported the delivery of the several papers committed to him according to order.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and presented to the Chair a message from the House of Assembly to the Council.

On motion, by order, the foregoing message was read, and follows in these words, viz :

*"Gentlemen :*

"This House, having accepted of the resignation of the Honorable William Killen and John Cook, Esq's, of their commissions of Justices of the Supreme Court of this State, propose to the Council that both Houses meet this forenoon, in the Council Chamber, and put in nomination persons to be balloted for as Justices of the said Court, in the room of the said William Killen and John Cook, Esquires, and also of John Evans, Esq., appointed second Justice of the same Court, who hath declined to accept of the said appointment.

"Signed by order of the House,

"SAM'L WEST, *Speaker*.

"Dover, 20 May, 1778."

The Council, taking into consideration the proposition made by the House of Assembly of putting into nomination three persons to fill the offices of Justices of the Supreme Court within the State, in the stead of William Killen and John Cook, Esquires,

who have resigned, and John Evans, Esquire, who hath declined accepting under his former appointment, do agree to the and

*Resolved*, That persons qualified to be Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, in the room of Thomas Tilton, who hath declined accepting the same office, be put in nomination at the same time afterwards balloted for.

*Ordered*, That Mr. Baning wait on the House of Assembly with the foregoing resolution of the Council, for their concurrence, and inform them that the Council will be ready to receive them forthwith.

Mr. Baning, being returned, reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P.

The Council met.

Mr. Armstrong, a member of the House of Assembly, arriving, was admitted and delivered to the Chair the following message, viz :

*"Gentlemen :*

*"As your honorable House have concurred in a resolution the 12th instant, for the appointment of a Commissary General of Prisoners, the Assembly propose that nomination of persons to be balloted for to fill that office be made at the same time that the General Assembly proceed in the nomination of persons for Justices of the Supreme Court.*

*"This House do not consider the appointment of a Commissary General to be supplied by the appointment of Thomas Ro*

"Esquire, in the resolution of both Houses of the 20th of April last, for the borrowing seven thousand five hundred dollars on the credit of the State, &c. ; but are of opinion that the appointment of Mr. Rodney is only temporary, and for the special service of completing the clothing of the Delaware Regiment at present. If the Council should view this matter in the same light the House of Assembly does, and are of opinion that the appointment of a Clothier General is necessary, this House propose likewise to put in nomination, at the same time, persons to be balloted for to fill that office."

Whereupon, in answer thereto, the following message was prepared and sent to the House of Assembly by Mr. Conwell :

*Gentlemen :*

The Council can put no other construction on the resolution of the 20th ultimo, mentioned in your verbal message of this afternoon, than is expressed therein, to wit : "That the said sum of seven thousand five hundred dollars be put into the hands of Thomas Rodney, Esquire, for the purpose of completing the purchase of clothing for the Delaware Regiment ;" and however temporary this appointment may be considered to be, yet the business is not begun, and we apprehend that the appointment of a Clothier General, whose duty must be the same, will supercede this act, so recently done, which would make our proceedings rather exceptionable, and this is what we wish to avoid, for the Council think with the Assembly that such an officer is necessary, and have no other objection than what is above expressed.

Mr. Conwell, being returned, reported the delivery of the above message according to order.

The Doorkeeper informed the Chair that the House of Assembly were waiting to be admitted, and they were admitted accordingly.

The Council and House of Assembly being met in the Council Room to put in nomination three persons to be balloted for as Justices of the Supreme Court, in the stead of William Killen, John Cook, and John Evans, Esquires ; a Chief Justice of the Court of Common Pleas and Orphans' Court, in the room of Thomas Tilton, and also a Commissary General of Prisoners for the State, agreeable to the order of the day,

*Ordered*, That Messrs. Ridgely, Bryan, Kollock, Bassett, Hyatt be a committee to wait on his Excellency, the President, and acquaint him that the General Assembly are now met in Council Room for the purpose of putting in nomination persons who may be balloted for as Justices of the Supreme Court of the State; a Chief Justice of the Court of Common Pleas andphans' Court, and a Commissary General of Prisoners, and request his attendance at the nomination, if he think proper.

The committee, being returned, reported that his Excellency the President, said that he would wait on the General Assembly immediately.

The President attended in the General Assembly; then the members proceeded to put in nomination divers persons to the said offices, whose names were taken down for the consideration of the members of both Houses. The President then withdrew.

On motion,

*Resolved*, That the General Assembly now separate and adjourn at 9 o'clock to-morrow morning, in the Council Room, to ballot for the said officers out of the persons now put in nomination.

Then the House of Assembly withdrew.

The Council adjourned to 9 o'clock to-morrow morning.

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THURSDAY, A. M., May 21st, 1777

The Council met, and being informed that, by the going away of divers members of the House of Assembly, a sufficient number were not in town to form a House, and no prospect of attendance before Monday next, the Speaker of the Council applied for leave of absence for ten days, and it is granted to him. Then the Council adjourned to 10 o'clock on Tuesday morning next.

TUESDAY, A. M., May 26th, 1778.

A sufficient number to compose a House not attending, the Council adjourned from day to day until Friday, the 29th of the same instant.

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FRIDAY, A. M., May 29th, 1778.

The Council met, and being informed that a sufficient number of members of the House of the Assembly were not in town, and that it was uncertain when they might be expected, adjourned till Wednesday, the first day of July next.



# MINUTES OF COUNCIL.

JUNE, 1778.





# VOTES AND PROCEEDINGS

## OF THE

### COUNCIL OF THE DELAWARE STATE.

CALLLED SESSION, JUNE, 1778.

At a meeting of the Council at the Town of Dover, in the County of Kent, by a special order of the President, on Wednesday, the seventeenth day of June, Anno Domini 1778, a sufficient number of the members to form a House not attending, the Council adjourned from day to day until Friday, the 19th instant.

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FRIDAY, June 19th, 1778.

The following members appeared in the Council, viz :

*For New Castle County*—Nicholas Vandyke, Peter Hyatt.

*For Kent County*—Richard Bassett, John Baning.

*For Sussex County*—John Jones, John Clowes, William Conwell.

George Read, Esquire, Speaker of the Council, not attending, the Council proceeded to the choice of a Speaker *pro tempore*, and Nicholas Vandyke, Esquire, was unanimously chosen. The Speaker took the Chair.

Mr. Lewis, a member of the House of Assembly, attended and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz :

*Gentlemen :*

"The sudden separation of the House of Assembly previous to the time appointed by the General Assembly at their sitting for the election of Justices of the Supreme Court, Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and a Commissary General of Prisoners, prevented the appointment of those officers ; your nomination of persons qualified to fill said offices has already made, and the public welfare demanding their appointment speedily, this House propose to meet the honorable Council to-morrow morning at 10 o'clock, in the Council Chamber, to ballot for the said officers."

Whereupon the following verbal message from the Council to the House of Assembly, in answer to the above, was drawn at the table :

*Gentlemen :*

The Council, taking into consideration the proposition by the House of Assembly, in their verbal message of this day to meet to-morrow morning at ten o'clock, in the Council Chamber, to ballot for Justices of the Supreme Court, a Chief Justice of the Court of Common Pleas and Orphans' Court in the County of Kent, and a Commissary General of Prisoners for the same, do agree to the same.

*Ordered,* That Mr. Conwell wait on the House of Assembly with the concurrence of the Council to their proposition aforesaid.

*Ordered,* That Mr. Jones and Mr. Bassett be a committee to wait on his Excellency, the President, and acquaint him that the Council are now sitting and are ready to receive any business which he may have to lay before them.

On motion, by order,

The bill for regulating the fees of divers civil officers, &c. read the second time and deferred for consideration until to-morrow.

Adjourned to 9 o'clock to-morrow.

SATURDAY, A. M., June 20th, 1778.

The Council met. All present as on yesterday.

Mr. Conwell now reported that he had waited on the House of Assembly according to the order of yesterday.

The committee appointed to wait on his Excellency, the President, now reported that they had delivered the message committed to them, according to the order of yesterday, when the President was pleased, in answer, to say that he had no particular business to lay before the Council, but strongly recommended to them the finishing of the business which was left undone at their last sitting; and added that if any papers which concerned the public should come to his hands whilst the Council were sitting he would immediately lay them before the Council.

*Ordered*, That Mr. Baning wait on the House of Assembly and inform them that the Council are now sitting and are ready to receive them for the purpose of balloting for Justices of the Supreme Court, a Chief Justice of the Court of Common Pleas and Orphans' Court in Kent County, and a Commissary General of Prisoners for the State, out of the persons before put in nomination.

Mr. Baning, being returned, reported the delivery of the above message according to order.

The House of Assembly now attended for the purpose of balloting for the said officers, and were admitted.

*Ordered*, That Messrs. Jones, Clowes, Stout, Bryan, and Hall be a committee to wait on his Excellency, the President, and acquaint him that the General Assembly are now met in the Council Chamber for the purpose of balloting for Justices of the Supreme Court, a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and a Commissary General of Prisoners for this State, and request his attendance, if he choose to be present, at the balloting.

The committee, being returned, reported that they had waited

on his Excellency, the President, with the above message, v he was pleased to say that he would attend the General Asser immediately.

The President attended in the General Assembly ; then President and General Assembly proceeded to the choice of said officers severally, by joint ballot, and the box containing ballots being examined by the Speaker of each House, in presence of the President and the members thereof, it appe that—

William Killen, Esq., was duly elected Chief Justice of Supreme Court for this State ;

David Finney, Esq., was duly elected second Justice of said Court ; and

John Jones, Esq., was duly elected third Justice of the Court ;

Thomas Rodney, Esq., was duly elected Chief Justice of Court of Common Pleas and Orphans' Court for the County of Kent ; and

George Craghead, Esq., was duly elected Commissary General of Prisoners for this State.

On motion, agreed that the General Assembly now separate

Then the President and the House of Assembly withdrew, the Council adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met and took into consideration the bill for regulating the fees of the civil officers, &c., and after some time spent therein, thereupon

*Resolved*, That the said bill be referred to a committee of the Council to examine and report thereon on Monday next.

The members chosen : Mr. Jones and Mr. Clowes.

Adjourned to 10 o'clock on Monday next.

MONDAY, A. M., June 22d, 1778.

The Council met. All present as on Saturday, and also Mr. Hyatt.

The committee to whom was referred the bill for regulating the fees of the civil officers, &c., now delivered in their report at the table, which, by order, was read the first time.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met and took into consideration the report of the committee on the bill for regulating the fees, &c., and some amendments being agreed to, the same was deferred for further consideration till to-morrow.

Adjourned to 10 o'clock to-morrow.

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TUESDAY, A. M., June 23d, 1778.

The Council met. All present as on yesterday.

The Council now resumed the consideration of the amendments reported to the bill for regulating the fees, &c., by the committee, and after sundry debates, the question being put, whether the allowance of the members of the General Assembly, the Clerks of the two Houses, and the members of the Privy Council, for their attendance, should be a fixed sum, or, whether their expenses should be paid by the public, the Council were equally divided.

On motion of Mr. Bassett, that the yeas and nays on the question be entered on the minutes, the same were ordered are as follow, to wit :

*For the affirmative*— Mr. Bassett, Mr. Banning, Mr. Hyatt.

*For the negative*—Mr. Jones, Mr. Clowes, Mr. Conwell.

And thereupon the Speaker gave the casting vote in the affirmative.

Mr. Patterson, a member of the House of Assembly, attending, was admitted and returned to the Chair the bill for a pardon, &c., with a paper of amendments proposed thereon to the House of Assembly.

The same member delivered to the Chair a resolution of the House of Assembly for the appointment of committees for settling the Loan Office accounts, and also a resolution to adjourn on Thursday next.

The Council now proceeded in the consideration of the bill for regulating the fees, &c., and the amendments reported thereon, and after some time spent therein the same was postponed to the afternoon for further consideration.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P.

The Council met.

The Council again proceeded in the consideration of the bill for regulating the fees, &c., and the amendments reported thereon by the committee, and the said amendments were all agreed to, and ordered to be transcribed and sent therewith to the House of Assembly for their concurrence.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled

act for aiding the discontinuance of the process in the Supreme Court of this State."

On motion, by order, the said bill was read the first time.

By special order the same was read the second time and agreed to by the Council.

*Ordered*, That Mr. Conwell wait on the House of Assembly with the bill for regulating the fees of divers civil officers, &c., and the amendments proposed thereto by the Council; and also return the bill for aiding the discontinuance of the process in the Supreme Court of this State, agreed to by the Council.

Mr. Conwell, being returned, reported that he had waited on the House of Assembly with the aforesaid papers according to order.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill to enable Charles Pope, his heirs, executors or administrators, to erect a bridge over Duck Creek, with the amendments proposed thereto by the Council; and also the following message from the House of Assembly to the Council relative to the said amendments, to wit:

*"Gentlemen :*

*"The House of Assembly have taken into consideration the amendments proposed by your honorable House to the bill to enable Charles Pope, his heirs, executors or administrators, to erect a bridge over Duck Creek, and have acceded to the first. Your second amendment this House have not agreed to, because they conceive it would be a particular hardship upon the said Charles Pope to oblige him to lay out a road, at least a mile through his lands, without receiving any compensation by way of damages, as they apprehend that the bridge intended to be erected by him will be of public utility. The Assembly therefore flatter themselves that the honorable Council, upon a reconsideration of the said amendments, will recede therefrom.*

*"Signed by order of the House,*

*"Dover, June 22, 1778.*

*SAM. WEST, Speaker."*

Which, by order, was read.

On motion, by order, the resolution of the House of Assembly for the appointment of committees for settling the Loan accounts, was read the first time.

On motion, by order, the resolution of the House of Assembly respecting an adjournment, was read the first time.

The Council now took into consideration the amendment proposed by the House of Assembly to the bill for a free pardon and after some time spent therein the same was postponed to-morrow.

Adjourned to 10 o'clock to-morrow.

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WEDNESDAY, A. M., June 24th, 17

The Council met. All present as on yesterday, except Bassett, who is sick.

The Council resumed the consideration of the amendment proposed by the House of Assembly to the bill for a free pardon &c., and the same being severally acceded to, a further amendment to the said bill was proposed by the Council, agreed to, ordered to be transcribed and sent to the House of Assembly.

The Council, taking into a reconsideration the second amendment proposed by them to the bill to enable Charles Popple and his heirs, executors, &c., to erect a bridge over Duck Creek, which was disagreed to by the House of Assembly, do recede therefrom.

*Ordered*, That Mr. Baning wait on the House of Assembly with the foregoing bill and its amendments and inform them that the Council had receded from their second amendment.

Mr. Baning, being returned, reported that he had waited on the House of Assembly, according to order, with the aforesaid papers.

On motion, by order,



The resolution of the House of Assembly for the appointment of committees to settle the Loan Office Accounts, was read the second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, P. M., June 21st, 1778.

“ The House, taking into consideration that part of the message from the Council of the 14th of May last, objecting to the resolution of this House, of the 1st of the same month, for the appointment of committees for settling the accounts of the General Loan Office, concurred therein, and thereupon

“ *Resolved*, That David Finney and John Thompson, Esq's, be appointed, on the part of this House, a committee for the County of New Castle ; William Killen and James Sykes, Esquires, a committee for the County of Kent ; and William Peery and John Clowes, Esquires, a committee for the County of Sussex, for the purpose of settling and adjusting the accounts of the respective Loan Offices and Military Treasurers within this State, and also the accounts of a Committee of Safety, formerly for the County of Sussex, agreeable to two resolutions of this House of the aforesaid 1st of May.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

*Cl'k of Assembly.*”

And thereupon the Council, on their part, have nominated Samuel Patterson, Esquire, for the County of New Castle ; Eleazar McComb, Gentleman, for the County of Kent ; and Joseph Hazzard, Gentleman, for the County of Sussex, in addition to the number chosen by the House of Assembly, for the purpose aforesaid.

*Ordered*, That Mr. Conwell return to the House of Assembly the foregoing resolution, with the concurrence and appointment of the Council thereto.

Mr. Conwell, being returned, reported the delivery thereof according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P.

The Council met.

Mr. Derrickson, a member of the House of Assembly, arriving, was admitted and delivered to the Chair the Fee Bill, the amendments proposed thereto by the Council, several ceded to by the House of Assembly, except that part of the which relates to the allowance to the Justices of the Court of Common Pleas, &c., and an additional clause, proposed by way of amendment to the said bill by the House of Assembly, accompanied with a message from that House to the Council relative to the same.

The same member also delivered to the Chair a resolution of the House of Assembly for filling up the blanks, left for the Commissioners' names, in the bill for a free pardon, &c.

On motion, by order, the message relative the amendment proposed by each House to the Fee Bill, was read the first time and is as follows, viz :

*" Gentlemen :*

"The Assembly have taken into consideration the amendments proposed by your honorable House to the bill for regulating and establishing the Fees of divers Civil Officers of this State, and for other purposes therein mentioned, and have agreed to all the said amendments except that part of the which makes the fees allowed to the Justices of the Court of Common Pleas and Orphans' Courts and the Registrars of the Probate of Wills double the sums allowed the said Justices and Registers by an act of Assembly of this State, passed the third day of November, one thousand seven hundred and eighty, entitled 'An act for regulating and establishing the Fees of the Justices of the Peace, which they have rejected, because they conceive the said Justices, by an act of Assembly of this State, passed the twenty-second day of February, one thousand seven hundred and seventy-seven, when added to the sums allowed by the first recited act, will make ample provision for def

“the expenses incurred by the said Justices while attending the business cognizable before their Courts, and because they conceive the office of Register for the Probate of Wills is a lucrative post, and the execution thereof not necessarily attended with any great expense.

“The Assembly have also added another clause to the bill for defraying the expenses incurred by the Justices of the Supreme Court during the sitting thereof, and for allowing them fees for services by them to be done, for which no provision hath heretofore been made, which they flatter themselves will be acceded to by your honorable House.

“Signed by order of the House,

“Dover, June 24, 1778.

SAM. WEST, *Speaker*.”

On motion, by order,

The resolution of the House of Assembly for filling up the blanks, left for the commissioners' names, in the bill for a free pardon, &c., was read and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“WEDNESDAY, P. M., June 24, 1778.

“On motion,

“*Resolved*, That the blanks, left for the names of the commissioners, in the bill entitled ‘An act of free pardon and oblivion, and for other purposes therein mentioned,’ be filled up as follows, viz :

“For New Castle County—William M. Clay, Gentleman.

“For Kent County—The Honorable Samuel West, Esquire.

“For Sussex County—Levin Derrickson, Esquire.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

Adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., June 25th, 177

The Council met. All present as on yesterday.

On motion, by order, the message from the House of Assembly to the Council of yesterday was read a second time ; whereupon the following answer was drawn up at the table, read and agreed to, to wit :

*Gentlemen :*

The Council have taken your message of yesterday, relating to the amendments proposed by Council to the bill entitled "an act for regulating and establishing the Fees of divers Civil officers, &c.,," and the amendments proposed by your honorable House to said bill, into consideration, and have receded from their first amendment, proposing to strike out all the words of the clause in the second page of the aforesaid bill which follow the word [the] in the 3<sup>d</sup> line next before the word [Justice], and agree that they shall stand after the other words by Council proposed to be added to that exception.

We have also agreed to your proposed amendment with the following alterations, to wit : Dele the words [said act for establishing fees] and insert [by the laws of this State] ; also dele the words [and Court of Oyer and Terminer and General Delivery] after the word [Court] in the fourth line of the amendments. Dele the word [Supreme], in the third line of the enacting clause, and add the letter [s] to the next word. Dele the words [the State], in the line next following, and insert the words : [by the respective counties where the said Courts are to be held]. Dele the words [above-recited act] and insert the words [the laws of the State]. Dele the word [the] and insert the word [such] ; and also dele the words [in which they respectively reside].

*Ordered,* That Mr. Conwell wait on the House of Assembly with the above message, and return the bill for regulating fees, &c., with its amendments.

Conwell, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

*Ordered*, That Mr. Hyatt wait on the House of Assembly with the said bill for a free pardon, &c., and its amendments, and inform them that the Council have agreed to the amendments proposed to the said bill, and have also proposed a further paper of amendments to the same.

Hyatt, being returned, reported that he had delivered the said bill according to order.

The House adjourned to 3 o'clock, P. M.

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#### EODEM DIE, P. M.

The Council met.

Clark, a member of the House of Assembly, attending, was asked and returned the bill for a free pardon, with the amendments proposed to the same by the Council acceded to by the House of Assembly.

The same member delivered to the Chair "A bill to prevent the exportation of provisions from this State beyond the seas."

By motion, the pardon bill was read and passed the Council, whereupon

*Ordered*, That the bill for a free pardon be engrossed.

By motion, by order, the bill to prevent the exportation of provisions, &c., was read the first time.

By special order the same was read the second time and passed the Council.

*Ordered*, That Mr. Conwell return the same to the House of Assembly, and inform them that the Council have agreed to the same.

Mr. Conwell reported that he had returned the said bill a  
ing to order.

Mr. Derrickson, a member of the House of Assembly, a  
ing, was admitted and delivered to the Chair the following  
message from the House of Assembly to the Council, viz :

“The House of Assembly finding they cannot, this ev  
“finish the business before them, have agreed to postpo  
“adjournment of the General Assembly until to-morrow  
“noon.”

Adjourned to 10 o'clock to-morrow morning.

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FRIDAY, A. M., June 26th, 1778.

The Council met. Present the same members as on yest

The bill for a free pardon, &c., being engrossed, was re  
compared, and ordered to be sent by Mr. Clowes to the  
of Assembly for comparison, and to be signed by the Spe  
that House, together with the resolution for filling up the  
left for the names of the commissioners in the said bill, in  
the Council had concurred.

Mr. Clowes, being returned, reported that he had wait  
the House of Assembly with the said papers according to

Mr. Ridgely, a member of the House of Assembly, att  
was admitted and delivered to the Chair the several bills  
this session, severally signed by the Speaker of the House  
sembly, together with the amendments to each, and a res  
of that House for affixing the Great Seal to the said bills.

The same member also delivered the resolutions of the  
of Assembly for procuring the records and public papers  
State, and lastly the resolutions of Assembly of the 25th  
1778.

motion, by order, the resolution of the House of Assembly affixing the Great Seal to the several bills passed this was read and concurred in, and is in these words, viz :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, A. M., June 26th, 1778.

motion,

*resolved*, That the President and Commander-in-Chief affix Great Seal of this State to the following bills, to wit :

‘An act of free pardon and oblivion, and for other pur- therein mentioned ;’

‘An act to prevent the exportation of provisions from State beyond the seas ;’

‘An act for aiding the discontinuance of the process in Supreme Court of this State ;’

‘An act for regulating and establishing the fees of divers officers of this State, and for other purposes therein men- l ;’

‘An act to enable Charles Pope, of the County of Kent, heirs, executors or administrators, to erect a bridge over Creek.’ ”

motion, by order, the resolutions of the House of Assembly procuring the records and public papers of this State were read and concurred in, and follow in these words, viz :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, A. M., June 26, 1778.

*WHEREAS* the records and public papers of this State and County of New Castle have fallen into the hands of the British troops, lately in the City of Philadelphia, in the Province of Pennsylvania, and may yet remain there ; in order, therefore, to recover the same, if possible,

*resolved*, That the President of this State be empowered to appoint a proper person or persons to go to said city for the purpose aforesaid, to make inquiry for and demand and receive secure such records and public papers from any person or persons in whose hands or possession the same, or any of them,

“may be, and this House will defray all expenses that may  
“necessarily incurred in said business.

“*And whereas* this House stands well informed that George  
“Stephenson, Esquire, formerly a Surveyor in the County of  
“New Castle and Kent, and now an inhabitant of Pennsylvania,  
“hath in his possession many original warrants and other papers  
“concerning the rights to land in this State,

“*Resolved*, That the President be desired to appoint  
“proper person to go to and demand and receive of the said  
“George Stephenson all warrants and other papers concerning  
“the titles of land, or other public papers belonging to the  
“State, that may be in his possession; and that he cause the  
“same papers, when received, to be safely lodged in the  
“Recorder's Office of Kent County till the General Assembly  
“otherwise direct.

“*Resolved*, That the President be empowered to draw  
“the Trustee of the Loan Office in any county of this State  
“such sum or sums of money as may be necessary for the  
“same, and this House will devise ways and means to replace  
“same.”

On motion, by order,

The resolutions of the Assembly of the 25th June, 1778,  
read and concurred in, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY  
“THURSDAY, A. M., June 25th, 1778

“On motion,

“*Resolved*, That his Excellency, the President, be empowered  
“and requested to give the necessary orders for the payment  
“the debts due to the Militia of this State, according to the  
“solves of the General Assembly thereof.

“That he draw out of the Loan Offices of this State, out of  
“of them, such sums of money as may be necessary for carrying  
“into execution a resolve of the General Assembly empowering  
“his Excellency to procure arms and ammunition and to employ  
“an armourer, and this House will devise ways and means  
“replacing the same.



at a transcript of the appointment by the General Assembly of a Commissary General of Prisoners for this State be sent out for the said Commissary, and signed by the Speakers of both Houses, and that the President be empowered to pay out of the hands of the said Commissary General such sum or sums of money as he may want for the purchasing provisions for the use of prisoners and for defraying the expense of the same out of any money that may be in any of the Loan Offices of this State not yet appropriated."

Returned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

*Resolved*, That the several bills passed this session be now sent out by the Speaker of the Council.

Which was done accordingly ; and thereupon the Council, on the part, do appoint Mr. Jones and Mr. Clowes to be a committee to join with a committee of the House of Assembly, to wait on the Excellency, the President, with the said bills and see him put the Great Seal thereto.

*Resolved*, That Mr. Clowes return the said bills and the three mentioned resolutions, severally signed by the Speaker of the Council, to the House of Assembly, and inform them of the appointment aforesaid.

Mr. Clowes, being returned, reported that he had waited on the House of Assembly with the papers committed to him, and informed them of the appointment aforesaid, according to order.

Mr. Craghead, a member of the House of Assembly, attended as admitted and informed the Chair that the House of Assembly had acceded to their appointment, and have named, on the part of the House of Assembly, Messrs. Patterson, Ridgely,

and Hall to join the said committee of Council for the purpose aforesaid.

The committee, being returned, reported that they had voted on his Excellency, agreeable to order, and that he affixed the Great Seal of this State to the laws in their presence.

Mr. Waples, a member of the House of Assembly, attended and delivered to the Chair a resolution of that body empowering the President to draw for monies allowed by the General Assembly, with an account for services done by James Booth Esquire, as Secretary, amounting to £54 : 4 : 0.

On motion, by order, the foregoing resolution was read and concurred in, and follows in these words, viz :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, P. M., June 26th, 17

“On motion,

“*Resolved*, That the President or Commander-in-Chief be empowered to draw out of the Loan Offices of this State, or of them, such sum or sums of money as have been agreed to by the General Assembly to be due to any person or persons for services rendered this State.

“On motion, by order, the account of James Booth, Esquire, for services done as Secretary, was read and allowed.”

*Ordered*, That the foregoing resolution, with the concurrence of the Council thereto, and the said account, be returned to the House of Assembly by Mr. —.

Who, being returned, reported the delivery of the same according to order.

The Council allowed the following accounts, brought in at the sitting, for services rendered the State, viz :

To Mr. French Battell, for the expenses incurred by	£
the members of the Council, as per account filed, 1018	
To George Read, Esq., . . for mileage, &c., . . .	21

*Carried over*, . . . . . £1039

<i>Brought over,</i>					£1039	17	9
Thomas Collins, Esq.,	"	"			14	3	9
Nicholas Vandyke, Esq.,	"	"			24	17	1
Richard Bassett, Esq.,	"	"			13	15	9
John Banning, Esq.,	"	"			13	15	9
William Conwell, Esq.,	"	"			16	1	4
John Clowes, Esq.,	"	"			43	5	0
Peter Hyatt, Esq.,	"	"			18	12	0
John Jones, Esq.,	"	"			39	1	1
Benjamin Vining, Esq., Clerk of the Council,					32	12	6
John Smithers, Doorkeeper,					12	0	0
					£1268	2	0

*Resolved,* That an order be drawn and signed by the Speaker for the payment of the said sum of £21 : 17 : 9 to George Read, Treasurer on the Trustee of the Loan Office of New Castle County, that orders be drawn and signed by the Speaker on the respective Trustees of the Loan Offices of Kent and Sussex Counties for the payment of the remaining sums.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned to the 10th day of August next, to meet at the Town of Dover.

Note to the above the Clerk says: "N. B.—The General Assembly did not meet again, notwithstanding their adjournment." From what follows it may be inferred that the year is to the official year, the time for convening the General Assembly being the third of October.



# MINUTES OF COUNCIL.

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OCTOBER, 1778.



# MINUTES AND PROCEEDINGS

## OF THE

### COUNCIL OF THE DELAWARE STATE.

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A meeting of the Council at the Town of Dover, in the County of Kent, on Monday, the nineteenth day of October, Domini one thousand seven hundred and seventy-eight, a sufficient number of members to compose a House not attending, the Council adjourned from day to day until Wednesday, the twentieth day of October, 1778.

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WEDNESDAY, A. M., October 28th, 1778.

The following members appeared in the Council, viz :

*New Castle County*—Peter Hyatt.

*Kent County*—Thomas Collins, Richard Bassett.

*Sussex County*—John Clowes.

On the return of the Sheriff and Inspectors for the County of New Castle, on the first day of October, the election of a Councillor to fill the seat of Nicholas Vane, Esq., which became vacant on the first day of October, in rotation, being laid on the table, it appears that Samuel Vane, Esq., was elected a member of the Council for the County of New Castle, in the room of the said Nicholas Vane, on the first day of this instant, October.

Patterson appeared in the Council.

On the return of the Sheriff and Inspectors for the County of Kent, the election of a Councillor being laid on the table, it

appears that John Baning, Esq., whose seat became vacant the first day of October last by rotation, was reelected a member of the Council for the County of Kent, on the first day of this instant, October.

Mr. Baning appeared in the Council.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor being laid on the table, it appears that William Conwell, Esq., whose seat became vacant the first day of October last by rotation, was reelected a member of the Council for the County of Sussex, on the first day of this instant, October.

Mr. Conwell appeared in the Council.

And it also appears by the said return that the freeholders and electors of the said county did elect, choose, nominate and appoint William Polk, Esq., of said county, to represent the freemen of the county aforesaid in the Legislative Council of Delaware State, in the room of John Jones, Esq., late a member thereof, and whose seat is vacated by reason of the said Jones being appointed one of the Justices of the Supreme Court for said State.

Mr. Polk appeared in the Council.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P.

The Council met and proceeded to the choice of a Speaker, and Thomas Collins, Esq., was unanimously chosen.

The Speaker in the Chair, Mr. Benjamin Vining was appointed Clerk, and Benjamin Crooks Doorkeeper and Sergeant-at-law to the Council.

Messrs. Patterson, Baning and Conwell, three members of the Council at the last general election, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution.



of this State, and then took their seats in the Council. [See on page 10.]

Benjamin Vining appeared in the Council, took the oath and subscribed the declaration prescribed by the 22d article of the Constitution of this State, and also took the oath of office as a member of the Council. [See note on page 11.]

On the question, whether William Polk, Esquire, can be admitted a legal member of the Council under the Sheriff's return and the present Constitution or form of Government, there has been no writ issued by the Speaker of the Council for the election of a Councillor in the room of John Jones, Esq., whose office became vacant by the acceptance of an office, the Council was equally divided.

On the motion of Mr. Bassett, that the yeas and nays be entered on the said question upon the minutes, they are as follows, yeas 12, nays 12:

*For the affirmative*—Mr. Clowes, Mr. Hyatt, Mr. Conwell.

*For the negative*—Mr. Bassett, Mr. Baning, Mr. Patterson.

And thereupon the Speaker gave the casting vote in the negative.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President, to the Assembly, dated Oct. 23d, 1778, enclosing a letter from the President of Congress, dated 10th Oct., 1778, with three acts of Congress, one passed the 2d day of Oct., 1778, for continuing the present embargo on provisions until the last day of January, 1779, and for other purposes there-mentioned; a second, an act passed the 5th Oct., 1778, for regulating, with Continental Currency, such local Bills of Credit as have been received in the Loan Offices of each State respectively; a third, an act passed the 12th of the same instant, for encouraging true religion and good morals, and for the suppressing of such entertainments as have a contrary tendency; which, in order, were read the first time, and the said message follows these words, to wit:\*

This message and sundry other documents, hereafter mentioned, do not appear in connection with the rough journal from which the proceedings of the

The same member delivered to the Chair three petitions from the County of Sussex, complaining of undue influence in the late election in that county, with a list of the witnesses who are to be summoned to prove the facts alleged in the said petitions, which, by order, were read the first time.

The same member also delivered to the Chair a resolution of the House of Assembly for the sale of the barracks at Wilmington, which, by order, was read the first time; and a resolution of the House of Assembly empowering the President to draw for monies agreed by the General Assembly to be due to the persons therein mentioned, which, by order, was read the first

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., October 29th, 1778

The Council met. Present the same members as on yesterday.

On motion, by order,

The resolution of the House of Assembly empowering the President to draw for monies agreed by the General Assembly to be due to the persons therein mentioned, was read a second time and an amendment was proposed and agreed to.

*Ordered*, That the same be transcribed and sent to the House of Assembly for their concurrence.

On motion, by order, the resolution of the House of Assembly for the sale of the barracks at Wilmington, was read a second time and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“WEDNESDAY, A. M., Oct. 28, 1778

“On motion of Captain John Lea,

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Council, from Oct. 20 to Dec. 3d, 1778, inclusive, are copied. The council journal for that period was not found when these papers were collected.

That some person or persons be nominated and appointed to dispose of and sell the barracks now at the fort on Christiana Creek, for the use of the State, and make return thereof to the General Assembly, it being alleged that they are now unnecessary for the use of said fort, and are exposed to be carried away and destroyed; thereupon

*Ordered*, That Captain John Lea be and he is hereby empowered to make public sale of the said barracks, and that he make return of his proceedings in the premises to the General Assembly at their next meeting."

*Ordered*, That Mr. Clowes return to the House of Assembly resolution for the sale of the barracks at Wilmington, contained in by the Council; and also the resolution of the House Assembly empowering the President to draw for monies voted by the General Assembly to be due to the persons mentioned therein, with the amendments proposed thereto by the Council.

Mr. Clowes, being returned, reported the delivery of the said papers according to order.

On motion, by order, the petitions from the County of Sussex, complaining of undue influence used at the late election in that county, were read the second time, and thereupon

*Ordered*, That Friday, the 30th day of this instant, be the day assigned for hearing the said petitioners, and that summons issue to the several persons whose names are returned to the Council to the Assembly as witnesses, requiring their attendance to support said petitions, returnable the day aforesaid, and also that notice of the day of said hearing be given to said petitioners by Sergeant-at-Arms.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P.

The Council met.

*Ordered*, That the Speaker issue summons for John Plow, Luke Watson, Emanuel Dodd, Samuel Laverty, John Hood, Obadiah Smith, Jeremiah Cannon, Henry King, Levin Cannon, Joshua Obeer, Robert Cannon, George Polk, John Laws, William Watson, all of the County of Sussex, to appear before the Council on Friday, the 30th instant, then and there to testify and declare all such matters and things as they know concerning the petitions complaining of undue influence used at the election held on the 1st day of October last at Lewes-town, in the County aforesaid ; and that notice of the day of hearing be given to John Wiltbank, Thomas Evans, John Laws, and Isaac Smith, Esquires, four of the said petitioners, agreeable to the aforesaid order.

Summons were accordingly issued, returnable on Friday the 30th instant, and notice given to the said petitioners.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., October 30th, 1777

The Council met. Present the same members as on yesterday.

The Sergeant-at-Arms now made his return of the said summons, which, by order, was read, and thereupon, on motion

*Resolved*, That the said petitioners, John Wiltbank, Thomas Evans, John Laws, and Isaac Smith, Esquires, be admitted into the Council Chamber, to hear the testimony adduced in support of the said petitions.

On motion,

*resolved also*, That the door of the Council Chamber be opened ; and they were opened accordingly.

The Council then took into their deliberation what mode of conducting the examination of the said witnesses would be the most judicious, and, after some time spent therein, came to the following resolution, viz :

*resolved*, That, for the dispatch of business and saving of the testimony be delivered *ore tenus*.

When the said witnesses were produced before the Council and orally examined, and, being examined, were discharged.

Adjourned till to-morrow morning, 10 o'clock.

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SATURDAY, A. M., Oct. 31st, 1778.

The Council met. Present the same members as on yesterday.

The Council resumed the consideration of the petitions from the County of Sussex, complaining of undue influence used at the late election in that county, and, after hearing the petitioners and witnesses adduced to support the complaint,

*resolved*, That there was no undue influence used at the said election, and that the aforesaid petitions are groundless and without the least foundation.

Mr. Peery, a member from the House of Assembly, attending, admitted and delivered to the Chair two resolutions of the House of Assembly, the one a resolution for the appointment of a Committee for Public Accounts, the other a resolution for the appointment of a Committee of Claims on Forfeited Estates, &c.

On motion, by order,

The resolution of the House of Assembly for the appointment of a Committee of Claims on Forfeited Estates, &c., was read the first time.

By special order the same was read the second time and  
curréd in, and is as follows, viz : \*

And thereupon

*Resolved*, That a committee of two be appointed on the  
of the Council to join with the committee of the House of  
sembly.

And, on motion, Messrs. Patterson and Hyatt are appoi  
for this purpose.

On motion, by order,

The resolution for the appointment of a Committee for B  
Accounts was read the first time.

By special order the same was read the second time and  
curréd in, and is as follows, viz : \*

And thereupon

*Resolved*, That a committee of two be appointed on the  
of the Council to join with the committee of the House of  
sembly.

And, on motion, Messrs. Baning and Hyatt are appoin  
committee for this purpose.

Dr. Hall, a member from the House of Assembly, atten  
was admitted and delivered to the Chair a message from hi  
cellency, the President, to the House of Assembly, dated Oc  
29th, 1778, which, by order, was read and follows in these w  
viz : \*

The same member also delivered to the Chair a joint resol  
of both Houses, in June last, empowering the President to  
point one or more persons to go to Philadelphia in quest  
records and public papers of this State captured by the ene  
September, 1777, with the President's appointment of Ge  
Patterson for this service, and also General Patterson's ac  
of expenses incurred in procuring the said papers, with lis  
and receipts for the same from the different officers in  
Castle County, to whom they were delivered, which, by o  
were severally read.

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\* See note on page 315.

the same member also delivered to the Chair a joint resolution both Houses, in June last, for procuring public records from Stevenson, Esq., with the President's appointment of William Manlove for this service, Manlove's account of expenses in procuring the same, and Geo. Stevenson's receipt for money paid by William Manlove for the safe keeping of the said papers, which, by order, were severally read.

The same member also delivered to the Chair a resolution of the House of Assembly for allowances to General Patterson and William Manlove for their services and expenses in procuring public papers, which, by order, was read the first time.

By special order the same was read the second time and concurred in, and is in these words, viz :

"IN THE HOUSE OF ASSEMBLY,

"FRIDAY, A. M., Oct. 30, 1778.

The House of Assembly took into consideration the account of Samuel Patterson, Esq., for cash paid by him for procuring a part of the public papers of this State and of the County of New Castle, and for his expenses at Philadelphia during that service, amounting to £102 : 16 : 6, and the same was allowed by the House.

Mr. Speaker laid before the House of Assembly an account of William Manlove, who was appointed by the President, in pursuance of joint resolutions of both Houses made in June last, to demand and receive of George Stevenson, Esquire, all public papers concerning the title of lands in this State, for which paid to the said Stevenson for those papers, the sum of £50, and for his expenses in going to Lancaster and Carlisle, Pennsylvania, in the execution of that service, £50. The House, taking the said account into consideration, allowed the said sum of one hundred pounds to the aforesaid William Manlove.

Extract, &c.

J. B."

Mr. Waples, a member from the House of Assembly, attended and was admitted and delivered to the Chair a commission of the Hon. Stewart as 2d Lieutenant of the Delaware Regiment, with the designation of the same endorsed thereon, and his petition to

the General Assembly, praying to be reimbursed his expenses necessarily incurred while he was a prisoner on Long Island.

The same member also delivered to the Chair the report of the committee of the House of Assembly, to whom the said petition was referred.

On motion, by order,

The commission of Alex. Stewart and his resignation together with his petition and the report of the committee to whom the said petition was referred, were read the first time.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P.

The Council met.

*Ordered*, That Mr. Conwell return to the House of Assembly the resolution for the appointment of Committees for Public Accounts, and also the resolution for the appointment of Committees of Claims on Forfeited Estates, with the appointment and concurrence of the Council thereto.

Mr. Conwell, being returned, reported the delivery of the papers according to order.

*Ordered*, That Mr. Baning return to the House of Assembly the President's message and the joint resolutions for procuring the public records, together with the appointments by virtue of these resolutions; General Patterson's account and the papers and receipts of the officers for the same; and a resolution for the allowances to General Patterson and V. Manlove, concurred in by the Council.

Mr. Baning, being returned, reported the delivery of the papers according to order.

The commission of Alex. Stewart, and his resignation thereon, were, by order, read the second time, likewise the



Stewart, and the report of the committee  
Assembly, to whom the said petition was re-  
ferred, read a second time, and the report con-  
curred in, and follows in these words, to wit :

That to whom was referred the petition of Alex-  
ander Stewart, he had been captivated by  
the British at the battle of Long Island on the 27th day of  
September, that he had been detained as a prisoner of  
war, during which time he had been under  
the necessity of sending considerable sums of money for his  
provision had at that time been made for  
himself and for part of which he is still indebted,  
—That they examined the said Alexander  
Stewart the monies by him expended for subsis-  
tence of his captivity, and are of opinion that  
they would the sum of £130 to reimburse him for  
the same while he was detained a prisoner."

Hyatt return to the House of Assembly  
the petition of Alexander Stewart, with the re-  
solution of the House of Assembly, concurred in

the next day morning, 10 o'clock.

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MONDAY, A. M., November 2d, 1778.  
The Assembly adjourned till 3 o'clock, P. M.

EODEM DIE, P

The Council met. Present the same members as on Saturday except Mr. Bassett.

Mr. Craghead, a member from the House of Assembly, coming at the door, was admitted and delivered to the Chair a resolution entitled "An act to continue an act entitled 'An act to prohibit the exportation of provisions from this State beyond the sea."

The same member also delivered to the Chair a resolution of the House of Assembly empowering the President to draw for six thousand dollars, &c.

Mr. Speaker laid on the table a petition, signed by sundry inhabitants of this State, praying the aid of the Legislature in establishing and increasing the wages of waggoners, which, after reading, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, A. M., Nov. 3d, 1851

The Council met. Present the same members as on yesterday.

The resolution of the House of Assembly empowering the President to draw for six thousand dollars, &c., was, by order of the Council, read and concurred in, and is as follows, viz : \*

The Council being informed that, by the non-attendance of several members, and the going away of others of the members of the House of Assembly, a sufficient number were not in town to form a House, and no prospect of their attendance until convened by special order of the President, thereupon

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\* See note on page 315.

until the first Monday in January next.

it be recommended to the President that assembly on the first Monday in January if affairs may not make it necessary to comply sooner.

copy of the above resolution be delivered by agent.

adjourned till the first Monday in January



ES OF COUNCIL.

---

EMBER, 1778.



# ND PROCEEDINGS

OF THE

THE DELAWARE STATE.

---

SESSION, NOVEMBER, 1778.

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The Council at the Town of Dover, in the special order of the President, on Monday of November, Anno Domini 1778, a quorum not attending, the Council adjourned on Wednesday, the 2d day of December,

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WEDNESDAY, P. M., December 2d, 1778.

Present the following members, viz :

*Present*—George Read, Samuel Patterson.

Thomas Collins, Richard Bassett, John

—John Clowes.

A committee of three be appointed to wait on the President, to inform him that a sufficient number of the Council have met to make a report, and that his Excellency would be pleased to order the calling of the General Assembly.

of the State, with their returns, to be laid before the Council for their inspection.

Messrs. Patterson, Bassett, and Clowes are appointed for that purpose. The gentlemen, being returned, reported that they had waited on his Excellency, the President, and delivered the said message according to order.

Mr. Patterson, one of the committee appointed as before, delivered to the Chair a message from his Excellency, the President, to the Legislative Council, which, by order, was read as follows in these words, viz :

*“Gentlemen of the Legislative Council :*

“I received your committee this morning, and am pleased to hear by them you are met in Council.

“Agreeable to your request, I have sent you herewith the message by which you were called together, and must beg leave to refer you to my messages of the twenty-seventh and twenty-eighth of November, directed to the General Assembly and directed to the House of Assembly, for the business of your meeting.”

“CÆSAR RODNEY.”

“Dover, December the 2d, 1778.”

And the same member also delivered to the Chair the message issued by his Excellency, the President, for the calling of the General Assembly of the State, with their returns, which, by order, were severally read.

Mr. Read, in his place, made his excuse for non-attendance at the sitting of the Council in June and October last, which was admitted ; and also informed the Chair that Mr. Hyatt, on account of the indisposition of his family, could not attend at the beginning of this sitting, whereupon he was excused.

On motion,

*Ordered,* That the Speaker issue a writ to the Sheriff of the County, directing him to hold an election in that county, conformable to the Constitution and Laws of this State, for the election of one new member of the Council for the said county, in the room of John Jones, whose seat became vacant by his account.



the Judges of the Supreme Court of this

row morning, 10 o'clock.

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THURSDAY, A. M., December 3d, 1778.

Present the same members as on yesterday.

10 o'clock, P. M.

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EODEM DIE, P. M.

Member from the House of Assembly, attend-  
presented to the Chair the President's mes-  
sage, dated the 27th of November, 1778,  
which follows in these words, viz : \*

Congress of the 26th September, 1778, for  
the Treasury, and a recommendation to the  
Congress to enact laws for the taking and securing the  
debts of the debtors to the United States, which,  
was read the first time.

Also delivered to the Chair a copy of the  
Declaration of Independence and Perpetual Union, attested by the  
Secretary, which follows in these words, to wit : \*

was read the first time.

Also delivered to the Chair a copy of the

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Treaties of Amity and Commerce and of Alliance between and the Thirteen United States of America, which, by order, was read the first time; and also an act of Congress, recommending to the Legislative or Executive powers of each of the United States to appoint Wednesday, the 30th day of December, 1789, to be observed as a day of Thanksgiving and Praise, which, by order, was read the first time.

On motion of Mr. Bassett, for leave to bring in a bill for the discontinuance of the process in the Supreme Court of this State, and the same being granted, Mr. Bassett laid a bill on the table, which was read the first time.

*Ordered*, That Mr. Clowes return to the House of Assembly the commission and petition of Lieutenant Alexander S. together with the report of the House of Assembly thereon, as presented in by the Council; and also the resolution of that body, empowering the President to draw for six thousand dollars in favor of George Latimer, Esq., to be by him applied in discharge of money allowed to be due to the Militia of this State, with the concurrence of the Council thereto.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., December 4th, 1789.

The Council met. Present the same members as on yesterday.

Mr. Clowes now reported the delivery of the several commissions given him in charge, according to the order of yesterday.

Mr. Davis, a member of the House of Assembly, attended and was admitted and delivered to the Chair Capt. Jonathan Robinson's certificate of his loan of £300 to the Delaware State, and also Doctor Way's certificate of his loan of £100 to the State, assigned to the said Robinson, together with a resolution empowering the Speakers of the Council and House of Assembly to draw on the State Treasurer for the monies due thereon.

also delivered to the Chair a letter from  
addressed to George Craghead, Esquire,  
for printing the Acts of Assembly of this  
to £287 : 15 : 0, with a resolution em-  
s of the Council and House of Assembly  
Treasurer, for the payment of the said ac-  
aid George Craghead, Esquire.

also delivered to the Chair a bill entitled  
d punish the frauds and abuses of Quarter-  
ries General, their deputies and assistants,

er, the foregoing certificates of Jonathan  
Way, and the resolution empowering the  
Houses to draw on the State Treasurer for  
, were severally read the first time.

er, Francis Bailey's letter and account for  
is State, &c., and the resolution empow-  
he two Houses to draw on the State Trea-  
of the same, were severally read the first

and punish frauds and abuses of the Quar-  
ssaries General, their deputies and assist-  
read the first time.

er of the House of Assembly, attending,  
ered to the Chair a resolution empowering  
Council and House of Assembly to draw on  
£130 : 0 : 0 in favor of Alexander Stew-  
as read the first time.

the discontinuance of the process in the  
ad the second time by paragraphs, and an  
f addition, was proposed thereto, which,  
made in the bill, whereupon the bill, as  
reed to, and passed the Council.

Baning wait on the House of Assembly  
eir consideration and concurrence.

On motion, by order,

The Articles of Confederation and Perpetual Union, were the second time and referred to a committee of three, to thereon. The gentlemen chosen: Mr. Read, Mr. Bassett, Mr. Clowes.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P

The Council met.

Mr. Banning now reported the delivery of the bill committed to him according to order.

Mr. John Clayton, a member of the House of Assembly, attending, was admitted and returned to the Chair the bill aiding the discontinuance of the process in the Supreme Court agreed to by the House of Assembly.

*Ordered* to be engrossed.

On motion, by order,

The act to continue an act entitled "An act to prevent the exportation of provisions from this State beyond the seas," was read the first time.

On motion, by order,

The resolution empowering the Speakers of the Council and House of Assembly to draw an order on the State Treasury for £130 in favor of Alexander Stewart, was read the second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,

"FRIDAY, A. M., December 4th, 1811

"On motion,

"*Resolved*, That the Speakers of the Council and House of Assembly be empowered to draw an order on the State

Alexander Stewart for the sum of one hundred allowed him by the General Assembly, to necessary expenses while detained a prisoner and that Mr. Stout wait on the Council with their concurrence.

minutes.

"WILLIAM PEERY, *Cl'k P. T.*"

er,

powering the Speakers of the two Houses to the State Treasurer in favor of George Craghead him to discharge the account of Francis Craghead the second time, concurred in, and follow-  
viz :

"IN THE HOUSE OF ASSEMBLY,

"THURSDAY, P. M., December 3, 1778.

into consideration a letter from Mr. Francis Craghead, Esquire, inclosing an order for two hundred and eighty-seven pounds and printing seven hundred and fifty copies of the Constitution of this State, and four thousand seven hundred and fifty certificates ; and thereupon

the Speakers of the Council and House of Assembly resolved to draw an order on the State Treasurer George Craghead, Esquire, for the said sum of two hundred and eighty-seven pounds fifteen shillings, to discharge the said account.

minutes.

WILLIAM PEERY, *Cl'k P. T.*"

Bassett wait on the House of Assembly and the Council resolves, with the concurrence of the Council

returned, reported the delivery thereof ac-

tomorrow morning, 10 o'clock.

SATURDAY, A. M., December 5th, 1

The Council met. Present the same members as on yes except Mr. Clowes.

Dr. Clayton, a member of the House of Assembly, attended and delivered to the Chair a resolution empowering the Speakers of the two Houses to draw on the State Treasury for ten thousand dollars, in favor of Thomas Rodney, to him to pay for clothing purchased for the Delaware Regiment.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P

The Council met.

On motion, by order, the preceding resolution was read the first time.

By special order the same was read the second time, and dry amendments were proposed and agreed to, and ordered to be transcribed.

*Ordered*, That Mr. Bassett wait on the House of Assembly with the foregoing resolution and transcribed amendments for their concurrence.

On motion, by order,

The act of Congress recommending to the Legislative and Executive powers of each of the United States to appoint Wednesday, the thirtieth day of December, to be observed as a day of Thanksgiving and Praise, was read the second time, and upon

*Resolved*, That the same be delivered to his Excellency the President, and that he be requested to issue his proclamation accordingly.

Mr. Bassett return to the House of Assembly Congress, together with the resolve of Council for their concurrence.

He returned, reported the delivery, according to the papers committed to his charge.

Speaker,

He read an act entitled "An act to prevent the exports beyond the seas," was read the second time; and thereupon

A committee of two be appointed to prepare a bill to prohibit the exportation of provisions beyond a limited time.

Chosen: Mr. Patterson and Mr. Bassett.

Speaker,

He read a bill to punish frauds and abuses in the Quartermaster's Departments, &c., was read the second time and referred to a committee of two, to consider and report.

Chosen: Mr. Read and Mr. Baning.

Speaker, the petition praying the aid of the Legislature and increasing the wages of waggoners, was read the second time and referred to the same committee.

Mr. [Name] of the House of Assembly, attending, returned to the Chair the resolve of Council passed on Wednesday, the thirtieth day of November, as a day of Thanksgiving and Praise, and the House of Assembly thereto, together with the press recommending the same.

Mr. [Name] also delivered to the Chair the resolution of the two Houses to draw an order on the Treasurer in favor of Thomas Rodney for ten pounds, &c., with the amendments proposed thereto, and ordered to be by the House of Assembly.

He then read the resolve of Council for appointing

Wednesday, the thirtieth day of December, to be observed as a day of Thanksgiving and Praise, with the act of Congress recommending the same, be delivered by Mr. Read to the President.

On motion, by order,

The resolution empowering the Speakers of the Council and House of Assembly to draw an order on the State Treasurer in favor of Thomas Rodney for ten thousand dollars, as authorized, and agreed to, was read and concurred in, and is as follows:

“IN THE HOUSE OF ASSEMBLY

“FRIDAY, P. M., December 4th, 1864.

“WHEREAS the sum of seven thousand five hundred dollars was directed by the General Assembly the twentieth day of November last past to be borrowed and put into the hands of Thomas Rodney, Esquire, for the purpose of completing the clothing of the Delaware Regiment, hath not been obtained; therefore

“Resolved, That the Speakers of the Council and House of Assembly be empowered to draw an order on the State Treasurer in favor of the said Thomas Rodney for ten thousand dollars, to enable him to pay for clothing purchased for the Delaware Regiment; and the said Thomas Rodney is to be accountable for the expenditure thereof to the General Assembly.

“Extract from the minutes.

“WILLIAM PEERY, Clerk P.

Ordered, That Mr. Patterson return the same to the House of Assembly, concurred in by the Council.

Mr. Patterson, being returned, reported that he had waited on the House of Assembly with the above resolution, according to order.

Adjourned till Monday morning, 10 o'clock.



MONDAY, December 7th, 1778.

Present the same members as on Saturday.

Member of the House of Assembly, attending, delivered to the Chair the resolution of the 28th October last, empowering the members agreed by the General Assembly to be therein mentioned, with the amendments the Council acceded to by the House of As-

also delivered a bill entitled "An act to hear and determine the claims of the Whig Battalion, &c."

also delivered a letter to the President of Daniel Scudder, Governieur Morris, and in a bill entitled "An act to prohibit, for stilling of whiskey and other spirits from other sort of grain, or from any meal or said letter.

Tomorrow morning, 10 o'clock.

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TUESDAY, A. M., December 8th, 1778.

Present the same members as on yesterday,

Member of the House of Assembly, attending, delivered to the Chair a petition from sundry Brook and Bosman's Creek Marshes, in New England the division of the banks inclosing the bill, founded on the same petition, by way of act entitled "An act to enable the owners of meadow, marsh and cripple on the south

side of Christiana Bridge, called Fern Hook Marsh, and marsh and meadow on the south side of the same creek, Bosman's Creek Marsh, in the County of New Castle, to the banks and sluices in repair, and to raise a fund to defray expenses thereof," passed the 24th day of March, 1770.

The same member also delivered a set of resolutions to the House of Assembly to make provision for the officers of the Delaware Regiment, and also a resolution of that House appointing George Craghead, Esq., Clothier-General of this State.

On motion, by order, the foregoing petition from the owners of Fern Hook and Bosman's Creek Marshes, and the supplementary bill founded thereon, were severally read the first time.

On motion, by order, the resolutions of the House of Assembly, for providing for the officers of the Delaware Regiment, were read the first time.

On motion, by order, the resolution of the House of Assembly for appointing George Craghead, Esq., Clothier-General of this State, was read the first time.

On motion, by order, the resolution of the House of Assembly empowering the President to draw for monies agreed by the General Assembly to be due to divers persons therein mentioned, was read the first time.

On motion, by order, the bill to appoint commissioners to examine and determine the claims of the officers and soldiers of the 1st Battalion, &c., was read the first time.

On motion, by order, the letter from Messrs. Scudder, Mendenhall, and Whipple, and the bill founded thereon, to prohibit, for a limited time, the distilling of whiskey and other spirits from wheat, rye, or any other sort of grain, or from any malted flour, were read the first time.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P.

The Council met and adjourned till to-morrow morning 10 o'clock.

WEDNESDAY, A. M., December 9th, 1778.

Present the same members as on yesterday.

Member of the House of Assembly, attending, delivered to the Chair an account of the sale at Wilmington, together with a resolution of the House for the payment of the money arising from the State Treasurer, which, by order, were

Resolved, That the House of Assembly, of the 28th October 1777, be authorized to draw for monies agreed by the House to be due to divers persons, as amended and confirmed the second time and concurred in, and is as follows:

“IN THE HOUSE OF ASSEMBLY,  
WEDNESDAY, A. M., October 28th, 1778.

Resolved, That the President or Commander-in-Chief be authorized to draw on the Trustees of the Loan Office, or any of them, for the sum of thirty-five pounds and nine pence, agreed by the General Assembly on the 2d day of February, 1777, to be due to the Port-Major at Wilmington; and also for the sum of twenty-three pounds fifteen shillings, agreed on the 7th of June, 1777, to be due to Colonel Thomas Collins, and James Latimer, for the sum of forty-eight pounds, allowed by the Assembly, in February, 1777, to Col. Thomas Collins, for his expenses of papers Bills of Credit emitted in the year 1776; and also for the sum of forty-seven pounds and nine pence, allowed, as aforesaid, in 1777, to Colonel Thomas Collins and Samuel West, for the commission given them by the General Assembly, 1776, respecting the battalions then

“under Colonels Haslet and Patterson, &c. ; and also  
“sum of thirty-eight pounds ten shillings, allowed, as afc  
“in June, 1777, to Colonel Thomas Collins and John Tho  
“Esquires, for their attendance on public affairs in the  
“of Sussex in the year 1777, he taking receipts for  
“draughts.

“Extract from the minutes.

“WILLIAM PEERY, *Cl' & P.*

On motion, by order,

The resolutions of the House of Assembly to make pr  
for the officers of the Delaware Regiment, were read the  
time and postponed for consideration.

*Ordered*, That Mr. Bassett wait on the House of As  
with the resolutions of the 28th October last, empower  
President to draw for monies agreed by the General As  
to be due to divers persons, concurred in by the Counc  
also deliver the following verbal message, viz :

*Gentlemen :*

The Council desire to be informed whether any paper,  
monstrance, from the officers of the Delaware Regiment, v  
before your House on which your resolution of the 7th  
making provision for the officers of the said regimer  
founded. If so, the Council request that the said paper  
by order of your House, be laid before them.

Mr. Bassett, being returned, reported that he had wa  
the House of Assembly with the above papers, accor  
order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

the account of the sales of the barracks  
the resolution of the House of Assembly for  
onies arising from the sale thereof to the  
read the second time, and the said resolu-  
and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,  
WEDNESDAY, A. M., December 9th, 1778.

Obtain John Lea pay the sum of eighty-one  
pounds, now in his hands, arising from the sales  
of the fort on Christiana Creek, to the  
effect that the same be subject to the joint  
uses.

minutes.

JAS. BOOTH,

Secy.

*Cl'k of Assembly."*

Clowes return the foregoing account and  
presented to the Council, to the House of Assem-

returned, reported the delivery thereof ac-

Member of the House of Assembly, attend-  
presented to the Chair two letters from  
the and one from Capt. Patton, accompanied  
by officers of the Delaware Regiment, pray-  
be made for them by the General Assem-

er, the foregoing letters and petition were

read in the Council.

The committee appointed to prepare and bring in a bill to prohibit the exportation of provisions from this State beyond the seas for a limited time, now delivered one at the table.

On motion, by order, the foregoing bill was read the first time.

By special order the same was read the second time, and amendments being proposed and agreed to and made, the said bill passed the Council.

*Ordered*, That Mr. Clowes wait on the House of Assembly with the foregoing bill for their consideration and concurrence.

Who, being returned, reported the delivery thereof according to order.

Mr. Peery, a member of Assembly, attending, was asked to return and returned to the Chair the above-mentioned bill, with the concurrence of the House of Assembly thereto.

The same member also delivered to the Chair a message from the President to the General Assembly, inclosing a circular from a committee of Congress of the 11th of November 1793, and a letter from the President of the Council of Massachusetts with an act of the General Assembly of Massachusetts to prevent the return into that State of all persons who have been in the enemy's service.

*Ordered*, That the bill to prohibit the exportation of provisions beyond the seas for a limited time be engrossed.

The said bill, being engrossed, was read, compared, and passed in order, signed by the Speaker of the Council.

On motion, by order, the engrossed bill for aiding the continuance of the process in the Supreme Court, was read and passed in order.

*Ordered*, That the same be signed by the Speaker of the Council; which was done accordingly.

On motion,

*Resolved*, That the President and Commander-in-Chief be authorized to affix the Great Seal of this State to the following laws, to wit:

ing the discontinuance of the process in the

hibit the exportation of provisions from this  
for a limited time."

Patterson wait on the House of Assembly  
ned bills, in order that the same may be  
by the Speaker of that House, and also  
of the Council for affixing the Great Seal  
ir concurrence.

ted the delivery, according to order, of the

d for leave of absence till Monday next,

orrow morning, 10 o'clock.

---

THURSDAY, December 10th, 1778.

resent the same members as on yesterday,

rs of the Council attending on committees,  
till to-morrow morning, 10 o'clock.

---

FRIDAY, December 11th, 1778.

resent the same members as on yesterday.

ers attending on committees, the Council  
w morning, 10 o'clock.

SATURDAY, December 12th,

The Council met. Present the same members as on ye

Some of the members attending on committees, the  
adjourned till Monday morning, 10 o'clock.

---

MONDAY, December 14th,

The Council met. Present the same members as on S

Adjourned till to-morrow morning, 10 o'clock.

---

TUESDAY, December 15th,

The Council met. Present the same members as on ye

Adjourned till to-morrow morning, 10 o'clock.

---

WEDNESDAY, December 16th,

The Council met. Present the same members as on ye  
and also Mr. Clowes.

Mr. Conwell now appeared in the Council.

The return of the Sheriff and Inspectors for the Co  
Sussex of the election of a Councillor, by virtue of a wr



Council for that purpose, to fill the seat of which became vacant by his acceptance of the judges of the Supreme Court of this State, it appears that William Polk, Esquire, of the Council for the County of Sussex, John Jones.

in the Council, took the oath and subscribed by the twenty-second article of this State, and took his seat. [*See note on*

Polk,

rules to be observed by the members of the Council, which was done according

place, made his excuse for his non-attendance, which was admitted.

whom were referred the bill to prevent and abuses in the Quartermaster's and Commissary's petition from the owners of waggons, now delivered their report at the table, and read the first time.

A bill supplementary to the act entitled "An act to amend the rights of the possessors of the meadow, marsh and land of Christiana Creek, called Fern Hook Marsh and meadow on the south side of the New Castle Creek Marsh, in the County of New Castle, &c., in repair and raise a fund to defray the same," was read the second time and passed.

At the table a petition from Isaac Carty and others for preventing the distilling of spirits

the said petition was read the first time.

On the morrow morning, 10 o'clock.

THURSDAY, December 17,

The Council met and adjourned till to-morrow morning 10 o'clock.

---

FRIDAY, A. M., December 18,

The Council met. Present all the members.

On motion, by order,

The report of the committee to whom were referred the petition to prevent and punish frauds and abuses in the Quartermaster's Commissary's Departments, and the petition from the owners of waggons for an increase of wages, was read the second time.

The same was read a third time by paragraphs and agreed to by the Council.

Adjourned till to-morrow morning, 10 o'clock.

---

SATURDAY, December 19th,

The Council met and adjourned till to-morrow morning 10 o'clock.

SUNDAY, December 20th, 1778.

present all the members.

informed that, by the non-attendance of  
 day of others of the members of the House  
 ent number were not in town to form a  
 ct of their attendance until convened by  
 esident, thereupon

Council adjourn till the fifth day of January

it be recommended to the President that  
 summons for the calling together of the  
 of Assembly on the said fifth day of Jan-  
 public business.

Clerk of this House deliver a copy of the  
 President.

into consideration the accounts brought  
 members and officers during their attend-  
 resent meeting, and the traveling charges  
 from the place of meeting, and the follow-  
 ved, viz :

accounts for the expenses of  
 ouncil and their Clerk at his  
 nths of October, November,  
 ay of December, 1778, inclu-

Esq., for traveling charges,	£ 594	10	0
"	12	0	0
"	2	17	6
"	9	10	0
"	2	0	0
Esq.,	4	10	0
"	6	0	0
	<hr/>		
	£ 631	7	6

<i>Brought over,</i> . . . . .	£ 6.
To Benjamin Vining, for his services as Clerk of the Council, . . . . .	
To John Dawson, for riding express, &c., . . . . .	
To Edward Cole, for ditto, . . . . .	
To Thomas Wild, Doorkeeper and Sergeant-at-Arms, . . . . .	
Total, . . . . .	£ 6.

*Ordered,* That the Speaker draw orders on the Trustees of the Loan Offices of the respective Counties, in equal parts, for the said sum of £ 631 : 7 : 6, in favor of Mr. Battell; and that he draw orders for the remaining £ 34 : 17 : 6, in favor of the several persons above-mentioned on the Trustees of the Loan Office for Kent County.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned till the fifth day of January

S OF COUNCIL.

---

JUARY, 1779.



# ND PROCEEDINGS

OF THE

THE DELAWARE STATE.

---

SESSION, JANUARY, 1779.

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The Council at the Town of Dover, in the  
adjournment, on Tuesday, the fifth day of  
January, 1779, a quorum of members not attend-  
ing from day to day until Tuesday, the

---

TUESDAY, January 12th, 1779.

Present the following members, viz :

County—Samuel Patterson.

The Hon. Thomas Collins, John Baning.

—John Clowes, William Polk.

of Assembly, was admitted and delivered  
from the Governor of Maryland, of the 16th  
with an act to prevent distilling grain into  
r, was read the first time.

morning, 10 o'clock.

WEDNESDAY, A. M., January 13th.

The Council met. Present the same members as on ye and also Messrs. Bassett, Hyatt and Conwell.

On motion,

*Ordered,* That Mr. Conwell deliver to the House of A the bill to prevent and punish frauds and abuses in the master's and Commissary's Departments, with the amendments proposed and agreed to by the Council, for their concurrence and that he return to that House the petition from the and possessors of Fern Hook and Bosman's Creek Mar the original act and the bill by way of supplement to the act, agreed to by the Council.

Mr. Conwell reported the delivery of the above papers ing to order.

On motion, by order,

The bill to appoint commissioners to hear and determine claims of the officers of the Whig Battalion, &c., was read a second time and postponed for consideration until the afternoon.

Adjourned till 3 o'clock, P. M.

---

EODEM DIE,

The Council met and took into consideration the foregoing and proposed and agreed to sundry amendments thereto.

*Ordered,* That the same be transcribed and sent to the House of Assembly for their concurrence, by Mr. Pol

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o'clock.



THURSDAY, A. M., January 14th, 1779.

Present the same members as on yesterday.

Member of Assembly, was admitted and delivered a resolution of the House of Assembly for the Committee to state an account of expenditures on the Continent, &c., and also a resolution of that Committee for settling the Loan on the following notification, viz :

“ IN THE HOUSE OF ASSEMBLY,  
WEDNESDAY, P. M., January 13, 1779.

Mr. Waples wait on the Council and inform them that the House will meet the Council, at such time and place as they shall appoint, in order to put in nomination persons to be chosen as Delegates from this State to the Continental Congress for the ensuing year, and also for a new Court of Common Pleas and Orphans' Court for the County of Kent, in the room of Thomas Rodney, who has declined to accept his appointment thereto.

minutes.

“ JAS. BOOTH, *Cl'k of Assembly.*”

After, the foregoing resolutions, respecting the Committee, were severally read the first time.

er,

The House of Assembly for the appointment was read the second time and rejected.

After, the following verbal message from the Council, the verbal message or notification of the Council, respecting the proceeding to put in nomination persons to be chosen as Delegates to Congress, &c., of the Council, up at the table and agreed to be sent to the House, viz :

*Gentlemen :*

The Council received your verbal message of yesterday ing your inclination of meeting the Council, at such time as they should appoint, in order to put in nomination persons to be balloted for as Delegates from this State to the Congress of the United States of America for the ensuing year, and for a Chief Justice of the Court of Common Pleas and Orphan Court for the County of Kent, in the room of Thomas Rodney, who hath declined to accept of his appointment thereto, and is extremely willing to meet the honorable House of Assembly for the above purpose, and also to put in nomination a person to be balloted for as Clothier-General for this State, at four o'clock in the afternoon in the Assembly Room, if agreeable to your honor-  
able House.

Dover, January 14, 1779.

*Ordered,* That the same be sent to the House of Assembly with the resolution for the appointment of a Clothier-General.  
Mr. Bassett.

Adjourned till 3 o'clock, P. M.

---

EODEM DIE, 1

The Council met.

Mr. Bassett now reported the delivery of the papers committed to him according to order.

Mr. Cook, a member of Assembly, was admitted and directed to the Chair the bill to prevent and punish frauds and abuses in the Quartermaster's and Commissary's Departments, &c. and the amendments proposed thereto by the Council acceded to by the House of Assembly, except as to their 7th, 8th and 9th amendments, together with a paper of amendments proposed to the House of Assembly to the said amendments of the Council, which, by order, were read the first time.

member of Assembly, was admitted and delivered the following verbal message from the House of Council, viz :

"The Assembly are now ready to receive the Council in Room, to put in nomination persons to be delegates from this State to Congress and for the Court of Common Pleas and Orphans' Court of Kent. Dover, January 14, 1779."

The verbal message from the Council, in answer to the message, be drawn up, which was according to these words, viz :

"We are desirous to know, before they attend, the reason inducing your House to reject the proposal delivered by Mr. Derrickson, beg leave to inform your honorable House that an additional proposal, presented in the forenoon in answer to yours of yesterday, for the nomination of persons qualified for the Legislature for this State, appears to be rejected. We are desirous to know, before they attend, the reason inducing your House to reject the proposal."

The same be transcribed and sent to the House of Council, as follows,

and reported the delivery according to order.

or,

the distilling of whiskey or other spirits be read the second time and deferred for consideration till to-morrow morning, 10 o'clock.

FRIDAY, A. M., January 15th

The Council met. Present the same members as on y and also Mr. Read.

Mr. Peery, a member of Assembly, was admitted and d to the Chair the following verbal message from the Hous sembly to the Council, viz :

*"Gentlemen :*

"The House of Assembly are at a loss to know the  
"which induced the Council to conclude they had reje  
"proposition of your honorable House for putting in  
"tion, this afternoon, persons to be balloted for as  
"General, no such thing being contained in the verbal  
"of the Assembly. As the Council gave no reason fo  
"ing the mode of appointing a Clothier-General adopte  
"Assembly, this House apprehended the Council woul  
"suddenly request the reasons why this House disagree  
"aforesaid proposition of the Council. The Assembly  
"reject the same proposition, but, for want of sufficient  
"consideration of that business, had come to no deter  
"thereon, which induced this House to take no notice  
"part of the Council's message. But this House, still  
"to forward the public business, are ready to receive the  
"to put in nomination persons to be balloted for as Dele  
"Congress, and as Chief Justice of the Court of Comm  
"and Orphans' Court for the County of Kent.

"Dover, January 14, 1779."

Mr. Read, in his place, made his excuse for non-atten an earlier day, which was admitted.

On motion,

*Resolved*, That a message from the Council, in answe foregoing message from the House of Assembly, be dr which was accordingly done, read and agreed to, and fo these words, viz :

king any notice, in their verbal message  
d by Mr. Derrickson, of the proposition  
in their preceding message, delivered by  
nomination a person to be balloted for as  
is State, at the time proposed for nominat-  
lotted for as Delegates to Congress and a  
ommon Pleas and Orphans' Courts of Kent  
Council to suppose their proposition re-  
apprehend the House of Assembly would  
the opportunity of doing that at one meet-  
s which will require another meeting, and,  
ime perhaps unnecessarily.

nduced to dissent to your resolve for the  
lothier-General, for that it is an office of  
profit, or at least some salary must be al-  
to be performed by him, and as such he  
n the manner that all other officers of the  
mstances, heretofore have been, as appears  
ns of the two Houses on their respective  
ne Council are not so tenacious as to the  
tion of persons for a Clothier-General shall  
f Assembly wish to have it postponed, and  
s to be now made, the Council will meet  
purpose.

same be transcribed and sent to the House  
aning.

ber of Assembly, was admitted and deliv-  
ution of the House of Assembly empower-  
oth Houses to draw for seven hundred and  
est, in favor of Vincent Loockerman.

der, the foregoing resolution was read the

e same was read the second time, concurred  
ds, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, A. M., January 15th, 1779.

before the House a certificate to Vincent

" Loockerman of the loan of seven hundred and fifty pounds  
 " this State, given by the Honorable George Read, Esq.  
 " Vice-President thereof, on the sixteenth day of December  
 " thousand seven hundred and seventy-seven, in pursuance of  
 " joint resolutions of the General Assembly, and the said  
 " Loockerman requesting the payment of the same, with interest  
 " thereof,

" *Resolved*, That the Speakers of the Council and House of  
 " Assembly draw an order on the State Treasurer in favor of  
 " said Vincent Loockerman for the said sum of seven hundred  
 " and fifty pounds, with the interest for the same, at the rate of  
 " six per cent. per annum, from the said sixteenth day of Decem-  
 " ber, one thousand seven hundred and seventy-seven.

*Ordered*, That Mr. Baning return the same to the House of  
 Assembly, with the concurrence of the Council thereto.

Adjourned till 3 o'clock, P. M.

---

EODEM DIE,

The Council met.

Mr. Baning now reported the delivery of the several orders  
 committed to him according to order.

Mr. Bryan, a member of Assembly, was admitted and read  
 over the following message from the House of Assembly to the  
 Council, viz :

" *Gentlemen* :

" The reasons assigned by your honorable House for the  
 " the appointment of a Clothier-General for this State, and  
 " the Assembly, are satisfactory. As this House had no other  
 " object in view by that appointment than the public good,  
 " therefore readily agree to receive your House in the A  
 " Room forthwith, to put in nomination persons to be

to Congress, a Chief Justice of the Common  
s' Courts of Kent County, and a Clothier-  
ate."

able to the order of the day, proceeded to  
and there met the House of Assembly, to  
persons to be balloted for as Delegates to Con-  
e of the Common Pleas and Orphans' Courts  
d a Clothier-General for this State.

r. Patterson, Mr. Ridgely, and Mr. Kollock  
wait on his Excellency, the President, and  
General Assembly are now met in the As-  
at in nomination persons to be balloted for  
the Common Pleas and Orphans' Courts of  
o know whether his Excellency would wish  
ation.

ing returned, reported that they had waited  
n the message committed to them, agreeable  
he declined attending the nomination, but  
the balloting.

Assembly proceeded to put in nomination  
se names were taken down for the considera-  
of both Houses.

d that the General Assembly now separate,  
'clock on Monday afternoon, in the Council  
Delegates to Congress, a Chief Justice of  
and Orphans' Courts of Kent County, and  
or the State, out of the persons now put in  
aid offices. Then the Council withdrew.

d for leave of absence till three o'clock on  
ext, which was granted.

morrow morning, 10 o'clock.

SATURDAY, January 16th,

The Council met. Present the same members as on ye except Mr. Clowes.

Adjourned till Monday morning, 10 o'clock.

---

MONDAY, P. M., January 18th,

The Council met. Present the same members as on ye and also Mr. Clowes.

On motion,

*Ordered*, That Mr. Clowes and Mr. Hyatt be a committee to wait on the House of Assembly and acquaint them that the Council are now sitting and are ready to receive them, in the Chamber, to ballot for Delegates to Congress, a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and a Clothier-General for the State.

The committee, being returned, reported that they had delivered the above message according to order, and that the House of Assembly said they would attend the Council immediately.

The Council and Assembly being met in the Council Chamber, to ballot for Delegates to Congress, a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and a Clothier-General for the State, according to the order of the previous day, proceeded to the ballot for Delegates to Congress, which having been taken down, it appeared that John Dickinson, Nicholas Dyke, and Thomas McKean, Esquires, had a majority of votes, and are declared duly elected Delegates from this State to Congress for the ensuing year.

On motion,

*Ordered*, That Mr. Clowes, Mr. Bryan, and Doctor



it on his Excellency, the President, and to General Assembly are now met in the Council Chief Justice of the Common Pleas and Orphan County, and request his attendance, if he

ported the delivery of the above message according to his Excellency was pleased, in answer, to it on the General Assembly immediately.

ended, and proceeded with the General Assembly a Chief Justice of the Common Pleas and Kent County, and the box containing the ballot, it appeared that John Clark, Esquire, was elected Chief Justice of the Common Pleas of Kent County. Then the President with-

Assembly then proceeded to ballot for a Clothier, and the ballot being taken down, it appeared that Craghead, Esq'r, was declared duly elected for this State.

The Speakers of the two Houses inform John Clark's appointment to the office of Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and enquire forthwith whether he will accept of the said

and that the General Assembly now separate. The Assembly withdrew, and the Council adjourning, 10 o'clock.

TUESDAY, A. M., January 19th,

The Council met. Present the same members as on yes

Mr. Speaker laid on the table a petition from sund officers of this State, praying an increase of the fees ann their respective offices, which, by order, was read, and to be referred to the House of Assembly for their consid

On motion, by order,

The Council took into consideration the amendments p by the House of Assembly to their amendments to the prevent frauds and abuses in the Quartermaster's and C sary's Departments, and acceded generally thereto.

On motion, by order,

The resolutions of the House of Assembly for the appo of committees for settling the Loan Office accounts were second time and concurred in, and are as follows, viz :

"IN THE HOUSE OF ASSEMBLY

"WEDNESDAY, P. M., January 13,

"WHEREAS the committees appointed by the late Assembly to settle and adjust the accounts of the Loan Offices for the Counties of New Castle and Ken not proceeded in that business ; therefore

"*Resolved*, That a committee of three persons in each said counties be appointed to settle and adjust the acco the said offices in the counties aforesaid respectively, v hereby directed to settle and adjust the said accounts fr time of the settlement made by Messrs. McKinly, Re len, Haslet, and Robinson, a committee of Assembly purpose, and make report thereof to the General Asse this State at their next meeting.

"The members chosen, on the part of this House, f Castle County, are Messrs. Alexander Porter and M

County, Messrs. William Killen and John

Simon Kollock and Joseph Hall, Esquires, the County of Sussex to settle and adjust General Loan Office for the said county for

the committees respectively be directed to money in specie and paper which are in the

the Council, on their part, have nominated to join the said committees of the House For New Castle County, John Thompson, county, Eleazar M. Comb, Gentleman ; and John Clowes, Esquire.

look into consideration the bill to prevent from any kind of grain, &c., and some proposed, agreed to, and ordered to be trans- the House of Assembly for their consideration ther with the said bill.

tomorrow morning, 10 o'clock.

---

WEDNESDAY, A. M., January 20th, 1779.

Present all the members.

er,

the House of Assembly for the appointment an account of expenditures by this State, were read the second time, and an amendment way of addition to the first resolution.

same be transcribed and sent therewith to ly for their concurrence by Mr. Patterson, to return to that House the bill to prevent ey, &c., with amendments proposed thereto

by the Council ; the petition of Isaac Carty and Edward against the same bill ; the letter from the Governor of Maryland inclosing a bill against distilling whiskey, and a letter from a committee of Congress ; and also the bill to prevent frauds and abuses in the Quartermaster's and Commissary's departments, with the amendments proposed by that House ; the Council's amendments to the same bill, acceded to by the Council ; and the petition for an increase of the wages of wagoners, and also the resolutions of the House of Assembly for the appointment of committees for settling the Loan Office and for the concurrence and appointment of the Council in the same, and, lastly, the petition from sundry civil officers for an increase of their fees.

Mr. Patterson, being returned, reported the delivery of several foregoing papers according to order.

On motion,

The Council took into consideration the resolution of the House of Assembly to make provision for the officers of the Delaware Regiment, and after some time spent therein the business was postponed till the afternoon.

Adjourned till 3 o'clock, P. M.

---

EODEM DIE,

The Council met.

Doctor Hall, a member of Assembly, was admitted and ordered to the Chair the resolutions of that House for the appointment of a committee to state an account of expenditures of the State for the Continent, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly whereupon the said resolutions, as amended and agreed upon, were read, concurred in, and are as follows, viz :

"IN THE HOUSE OF ASSEMBLY,  
WEDNESDAY, P. M., January 13th, 1779.

Committee of the General Assembly heretofore  
tating an account of expenditures by this  
half of the United States, &c., have not  
ty assigned them ; therefore

essrs. Robert Bryan, John Cook, and Wil-  
mittee to settle an account of the monies  
ate, or upon the credit thereof, for recruit-  
giment in the three last campaigns, and of  
he same, and to state an account of expen-  
for and in behalf of the United States, and  
ount of all monies, provisions, and other  
ve been supplied by and on behalf of this  
aken by the United States, or this State,  
of the war, and of which accounts have  
nsmitted to Congress, agreeable to a reso-  
f the 26th of February last ; and that the  
mpowered to send for persons, papers and  
eport of their proceedings to the General  
ext sitting.

reasonable expenses to be incurred by the  
execution of the business hereby assigned  
this State, and that an adequate allowance  
ir time and trouble in that service."

Conwell return the same to the House of  
n by the Council.

elivery thereof according to order.

sumed the consideration of the resolutions  
ly to make provision for the officers of the  
nd proposed and agreed to sundry amend-  
ich were ordered to be transcribed and sent  
e of Assembly for their concurrence by Mr.  
e petition from the officers of the Delaware

orrow morning, 10 o'clock.

THURSDAY, A. M., January 21st,

The Council met. Present the same members as on ye

Mr. Polk now reported the delivery of the several papers to him in charge, according to the order of yesterday.

Mr. Craghead, a member of Assembly, was admitted to the Council. He delivered to the Chair the resolutions to make provision for the officers of the Delaware Regiment, with the amendments proposed thereto by the Council acceded to by the House of Assembly and made therein; whereupon the said resolutions were concurred in, and ordered to be signed by the Speaker. The resolutions are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY

“ MONDAY, P. M., December 7,

“ WHEREAS the unexpected and exorbitant prices which have  
“ article of clothing hath arisen to, render the pay of the  
“ of the Delaware Regiment in the service of the United States  
“ insufficient to support their rank ; therefore, for their  
“ provision,

“ *Resolved*, That the Clothier-General of this State shall  
“ provide and deliver to each field officer, captain, lieutenant,  
“ and ensign, the surgeon and surgeon's mate, in the service of the  
“ ment, one suit of clothes, to consist of a coat, waistcoat, and  
“ a pair of breeches, or, in lieu thereof, eighty pounds of  
“ election of such officer, in consideration of his past service.

“ *Resolved*, That the said Clothier-General do purchase  
“ provide for every of the said officers the following clothing, to  
“ wit: One coat, two waistcoats, two pairs of breeches, four  
“ four pair of stockings, and three pairs of shoes, for the next  
“ year, at any Continental or State store, or elsewhere, to which  
“ disposed of to said officers, on application, they pay for the  
“ said clothing, as near as can be computed, the prices which  
“ would have cost at the time the said officers' pay was stated.  
“ the balance on all such clothing to be charged to this State.  
“ the General Assembly will provide for the payment thereof.

the Speakers of the Council and House of  
with draw on the State Treasurer for the  
and five hundred pounds in favor of the  
enable him to comply with the first re-

r,

Jonathan Robinson and Nicholas Way, of  
e, and the resolution of the House of As-  
e Speakers of the two Houses to draw on  
or the monies due thereon, were severally  
and deferred for consideration till the after-

ock, P. M.

---

#### EODEM DIE, P. M.

and took into consideration the resolution  
akers of the two Houses to draw on the  
e monies due on the certificates of Jonathan  
s Way, and several amendments were pro-  
and ordered to be transcribed.

Conwell return to the House of Assembly  
ates and resolution, with the transcribed  
concurrence ; and also the resolutions to  
e officers of the Delaware Regiment, con-  
cil.

returned, reported the delivery of the above  
der.

whom were referred the Articles of Confed-  
Union, &c., now delivered in their report

r, the foregoing report was read the first

orrow morning, 10 o'clock.

FRIDAY, A. M., January 22d,

The Council met. Present the same members as on ye

Mr. Davis, a member of Assembly, was admitted and d to the Chair the resolution empowering the Speakers of Houses to draw for the monies due to Jonathan Robin certificates, with the amendments proposed thereto by th cil generally disagreed to by the House of Assembly.

Whereupon the Council, taking into consideration th amendments, receded therefrom and concurred in the res which is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY

“ THURSDAY, P. M., December 3,

“ On motion,

“ *Resolved*, That the sum of three hundred pounds, rec  
“ the Convention of this State from Mr. Jonathan Robin  
“ twenty-first day of September, one thousand seven  
“ and seventy-six, and the sum of one hundred pounds, r  
“ from Mr. Nicholas Way the same day, the certificate  
“ is assigned to the said Robinson, together with the legal  
“ of six per cent. per annum, be paid to the said Jonath  
“ inson, and that the Speakers of the Council and House  
“ sembly be empowered to draw an order on the State T  
“ in favor of the said Jonathan Robinson for that purpose

*Ordered*, That Mr. Baning return to the House of A the above-mentioned certificates and resolution, with the rence of the Council thereto.

Mr. Baning reported that he had returned the same House of Assembly according to order.

The report of the committee to whom were referred t cles of Confederation and Perpetual Union, &c., was, b read the second time and postponed for consideration afternoon.

Adjourned till 3 o'clock, P. M.



EODEM DIE, P. M.

and took into consideration the preceding re-  
solutions, and after some time was spent therein  
the same was deferred till to-morrow.

Mr. of Assembly, was admitted and delivered  
a speech suppressing vice and immorality, which, by  
his first time.

To-morrow morning, 10 o'clock.

---

SATURDAY, A. M., January 23d, 1779.

Present all the members.

10 o'clock, P. M.

---

EODEM DIE, P. M.

The Assembly resumed the consideration of the com-  
mon Articles of Confederation and Perpetual  
Union, and the following resolutions thereon :

Resolved, That this State think it necessary, for the peace and  
good to be included in the Union, that a moderate  
territory should be assigned for such of those States as  
lie on the North Sea, and that the United States,  
should and ought to have the power of  
regulating the limits.

*Resolved also,* That this State consider themselves justified to a right, in common with the other members of the Union, to that extensive tract of country which lies to the west of the frontiers of the United States, the property of which is now vested in or granted to individuals at the commencement of the present war ; that the same hath been or may hereafter be granted from the King of Great Britain or the native Indians by treaty and treasure of all, and ought therefore to be a common property to be granted out on terms beneficial to the United States.

*Resolved also,* That the courts of law established within this State are competent for the purpose of determining all controversies concerning the private right of soil claimed within the same, and that they now, and at all times hereafter, shall have cognizance of all such controversies ; that the indefinite provision, proposed in the 9th Article of the Confederation, for deciding upon controversies that may arise about some private rights of soil, tends to take away such cognizance, which is contrary to the Declaration of Rights of this State, and therefore ought to receive an alteration.

The Council then, taking into consideration the strenuous and earnest recommendations of Congress forthwith to accede to the present plan of Confederacy, and the probable disadvantages that may attend the further delaying a ratification thereof,

*Resolved,* That, notwithstanding the terms of the Articles of Confederation aforesaid are considered as in divers respects unequal and disadvantageous to this State, and the objections reported of the committee of this House and the resolutions thereon are viewed as just and reasonable and of great importance to the welfare and happiness of the good people thereof, under the full conviction of the present necessity of acceding to the Confederacy proposed, and in firm reliance that the peace and justice of the several States will in due time remove, as possible, the objectionable parts thereof, the Delegates appointed to represent this State in Congress, or any one or more of them, be authorized, empowered and directed, on behalf of this State, to subscribe and ratify the said Articles of Confederation and Perpetual Union between the several States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina

t the said articles, when so subscribed and obligatory on this State.

ave was given to bring in a bill to empower State to ratify the said articles. A bill for d on the table, was, by order, read the first

the same was read the second time and

. Banning wait on the House of Assembly Articles of Confederation and the report ereon, the preceding resolutions and bill

nformed the Council that he had received Clark, Esquire, to the notification directed rs of the two Houses, in which he signified pt of his appointment to the office of Chief Pleas and Orphans' Courts of Kent County.

day morning, 10 o'clock.

---

MONDAY, January 25th, 1779.

Present all the members.

reported the delivery of the several papers according to the order of Saturday.

nber of Assembly, was admitted and deliv- bill for raising one hundred and seventy the Delaware State, for the service of the ven hundred and seventy-nine, by a general

also delivered a supplementary bill to the

also delivered a supplement to an act enti-

tled "An act to prohibit the exportation of provisions from the State beyond the seas for a limited time," and also a bill for the relief of wounded officers, soldiers, &c.

On motion, by order, the foregoing bills were severally read the first time.

Mr. Craghead, a member of Assembly, was admitted and presented to the Chair a message from the President to the General Assembly, inclosing a letter from his Excellency, General Washington, of the 19th inst.; another, of the same date, from Governor Morris and William Whipple, a committee of Congress, and another from Jeremiah Wadsworth, Commissary-General of Purchases, to the said committee, on the subject of engrossing.

On motion, by order, the said message and its inclosures were severally read, and the said message is as follows, viz :

*"Gentlemen of the General Assembly :*

"Saturday afternoon I received, by express, a letter from your Excellency, General Washington, requesting that I would direct the Deputy Quarter authority to canton Pulaskie's regiment within this State, and as I would wish the General Assembly to take order in this matter, have directed the Secretary to send you the letter before you. I have also directed him to send your Honors a letter, of the 19th instant, from the Congress, on the subject of engrossing, with a copy of a letter from the Commissary-General of Purchases to that head.

"CÆSAR RODOLPHUS

"Dover, January the 25th, 1779."

On motion

*Resolved*, That Messrs. Clowes, Read, and Bassett be appointed a committee to prepare and bring in a bill for the quartering of the said regiment within this State.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, January 26th, 1779.

Present the same members as on yesterday.

pointed to prepare and bring in a bill for the  
in this State, now delivered one at the table,  
read the first time.

r. Clowes, Mr. Read, and Mr. Bassett be a  
e and bring in a bill against engrossing and  
grain and forage.

member of Assembly, was admitted and de-  
a memorial from the members of the Privy  
aid of the Legislature to make provision for  
ed during their attendance on the duties of  
solution of the House of Assembly empow-  
f both Houses to draw for divers sums of  
e members of the Privy Council and Secre-  
owing verbal message, viz :

nn Clark, Esquire, the second Justice of the  
Pleas and Orphans' Court in the County of  
tant by his appointment to and acceptance of  
justice of those Courts, and it is necessary to  
his House therefore propose to your honor-  
t the Council, at such time and place as you  
e purpose of putting into nomination proper  
oted for as second Justice in said Courts.  
nform the honorable the Council that they  
on Saturday next, for this present sitting, to

der, the foregoing memorial and resolution  
e severally read the first time.

er,

relief of wounded officers and soldiers, &c.,  
time, and thereupon

*Resolved*, That a committee of two be appointed to said bill into consideration, and report thereon to-morrowing.

The gentlemen chosen : Mr. Patterson and Mr. Polk.

On motion, by order,

The bill, by way of supplement to the act entitled "A prohibit the exportation of provisions from this State be seas for a limited time," was read the second time and for consideration.

On motion, by order,

The bill for raising one hundred and seventy thousand for the year 1779, by general tax, was read the second time thereupon

*Resolved*, That a committee of three be appointed to said bill into consideration, and report their objections same.

The gentlemen chosen : Mr. Bassett, Mr. Read, and Mr. well.

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., January 27.

The Council met. Present all the members.

On motion, by order,

The bill for the quartering of troops within this State was read the second time and passed the Council.

*Ordered*, That Mr. Hyatt deliver the foregoing bill to the House of Assembly for their consideration and concurrence.

Mr. Hyatt reported the delivery according to order.

a member of Assembly, was admitted and  
for a bill to increase the salaries and allow-  
of the Supreme Court, which, by order, was

clock, P. M.

---

EODEM DIE, P. M.

and, some of the members attending on com-  
to-morrow morning, 10 o'clock

---

THURSDAY, A. M., January 28, 1779.

Present all the members.

whom the bill for raising one hundred and  
dollars by a general tax was referred, now  
at the table, which, by order, was read and  
in the afternoon.

clock, P. M.

---

EODEM DIE, P. M.

and took into consideration the foregoing bill  
some time spent therein the further consid-  
erations till to-morrow.

a member of Assembly, was admitted and  
the resolutions of Council empowering the  
this State in Congress to ratify the Articles  
together with the bill for the ratification of the

said articles, and the report of the committee thereon, s  
concurred in by the House of Assembly.

The same member also returned to the Chair the bill  
quartering of troops within this State, with a paper of  
ments proposed thereto by the House of Assembly.

The same member also delivered to the Chair the report  
Committee for Public Accounts, with a list of vouchers.

*Ordered*, That the bill for the ratification of the Art  
Confederation be engrossed.

The Council took into consideration the amendments p  
by the House of Assembly to the bill for the quartering of  
&c., and proposed and agreed to some amendments to t  
amendments of the House of Assembly, which were ord  
be transcribed.

*Ordered*, That Mr. Polk deliver the said bill, and the  
papers of amendments, to the House of Assembly.

Adjourned till to-morrow morning, 10 o'clock.

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FRIDAY, A. M., January 29,

The Council met. Present all the members.

Mr. Polk now reported the delivery of the several pape  
mitted to his charge, according to the order of yesterday

Doctor Hall, a member of Assembly, was admitted an  
ered to the Chair the bill to prohibit, for a limited time,  
tilling of whiskey and other spirits from wheat, &c. ;  
bill to prevent and punish the frauds and abuses in the  
master's and Commissary's Departments ; and also the  
appoint commissioners to hear and determine the claim  
officers and soldiers of the Whig Battalion, &c., resp  
signed by the Speaker of the House of Assembly, togeth  
their original draughts and amendments, in order to be co  
and signed by the Speaker of the Council.



also returned to the Chair the bill for the &c., with the amendments proposed thereto by the Assembly and the amendments proposed by the Council, two of which the House of Assembly rejected the two remaining amendments

took into consideration the verbal message from the Assembly of the 26th instant, and thereupon the same was drawn up and agreed to, viz :

Resolved, That your proposal of putting into nomination to be balloted for as second Justice of the Peace and Orphans' Court for the County of Kent your honorable House, if agreeable, in the afternoon at four o'clock this afternoon, for the purpose

of having Baning deliver the same to the House of

Assembly took into consideration such of their amendments proposed by the House of Assembly as relate to the quartering of troops, &c., as were rejected by the Assembly, and thereupon a message from the Council of Assembly, stating the reasons of Council for rejecting the amendments so rejected, was drawn up at the same time, and is as follows, viz :

Resolved, That the two last amendments proposed to the amendments proposed by the House of Assembly for the quartering of soldiers, returned as amendments, and are of opinion that the third amendment is proper, for that no person but a Justice can billet the bill, therefore the expressions "or if the person be a Justice," in the 6th and 7th line of the bill, are improper, as they imply a power of billeting in a Justice or Justices ; but, by adding the words "or Justices" to the amendment, those expressions will have no effect to the billeting authorized by the third

section of the bill, and for these reasons the Council are to adhere to their third amendment aforesaid.

The Council, by their fourth amendment, intended to exclude Quartermasters and their deputies from the power of quartering, which they were doubtful might be considered to be included in the strict military speech, but if the House of Assembly shall be of opinion, after knowing our reasons for the fourth amendment, that the same is unnecessary, and that their constituents may be secured against the exertion of a dangerous power by the staff of the army, the Council will recede from the said amendment.

*Ordered*, That Mr. Baning deliver the said message to the House of Assembly, together with the bill for the quartering of soldiers, &c., and its several papers of amendments.

Adjourned till 3 o'clock, P. M.

---

EODEM DIE,

The Council met.

Mr. Baning now reported the delivery of the several messages given him in charge, to the House of Assembly, according to order.

Mr. Waples, a member of Assembly, was admitted to the Chair the bill for the quartering of troops and its amendments, with the following verbal message,

*"Gentlemen :*

*"This House having taken into consideration the reasons contained in your message for adhering to the amendments proposed by your honorable House to the amendments of the House of Assembly to the bill for quartering of troops, do not consider them satisfactory. The Assembly, therefore, propose, as the most expeditious manner of terminating the debate on this subject, that the Council should recede from their amendments, and the bill should pass as amended by the House of Assembly."*

on respecting the said amendments, the appointees by both Houses to confer thereon, appoint Messrs. Ridgely, Hall, and Joshua on the part of this House, who will forthwith be your honorable House for that purpose, and the proposition be concurred in by the Council."

Messrs. Read and Conwell be a committee, on the part of the Council, to meet a committee of the House of Representatives on the subject matter of the several amendments to the bill for the quartering of

The Council resumed the consideration of the bill for the quartering of soldiers, &c., and the committee's report on the amendments were agreed to, and further proposed, the further consideration is postponed.

After, the bill for suppressing vice and immorality was read the second time, and it was not passed, and, on motion, leave was given to the committee to prepare a way of supplement to several acts of Assembly for the suppression of vice and immorality. A bill for the quartering of soldiers on the table was, by order, read the first time.

The same was read the second time and deferred till to-morrow morning.

To-morrow morning, 10 o'clock.

SATURDAY, A. M., January 30th,

The Council met. Present all the members.

The committee to whom was referred the bill for the wounded officers and soldiers, &c., now brought in their

Mr. Cook, a member of Assembly, was admitted and to the Chair a bond (or obligation) of John Jones, Esq. Delaware State in the sum of one thousand pounds, with resolution of the House of Assembly empowering the President to receive the said sum of one thousand pounds from Mr. J.

*Ordered,* That Mr. Polk wait on the House of Assembly to inform them that the Council have acceded to their proposition for the appointment of a committee of Council to meet a committee of the House of Assembly to confer on the subject matter of several amendments proposed by each House to the bill for the quartering of soldiers.

Mr. Polk, being returned, reported that he had waited on the House of Assembly with the said message, according to order.

Adjourned till 3 o'clock, P. M.

---

EODEM DIE,

The Council met.

On motion, by order, the report of the committee to whom was referred the bill for the relief of wounded officers and soldiers, &c., was read the first time and recommitted to the same committee, with the addition of Mr. Read.

The committee appointed to confer with a committee of the House of Assembly on the subject matter of the amendments

ing of soldiers, now delivered their report  
order, was read and agreed to.

said bill be engrossed.

ncil now resumed the consideration of the  
ndred and seventy thousand dollars, &c.,  
ts were proposed and agreed to and order-

said bill and transcribed amendments be  
Assembly, for their consideration and con-  
es.

d, reported the delivery thereof according

ember of Assembly, was admitted and de-  
lonel Pope's account against the Delaware  
and its vouchers, with a resolution of the  
the payment of cloth seized and taken by  
se of the Delaware Regiment.

r,

el John Jones to the Delaware State in the  
ounds, and the resolution of the House of  
y the President to receive the said sum of  
from Mr. Jones, were read the first time.

said resolution was read the second time,  
s proposed and agreed to.

Conwell wait on the House of Assembly  
d resolution and transcribed amendments.

orrow morning, 10 o'clock.

SUNDAY, January 31st

The Council met. Present all the members, except Mr

On motion, by order,

The report of the Committee for Public Accounts was deferred for consideration until to-morrow.

Adjourned till to-morrow morning, 10 o'clock.

---

MONDAY, A. M., February 1st

The Council met. Present all the members.

The Council now took into consideration the report of the Committee for Public Accounts, and having partially passed therein, the same was further postponed until to-morrow

Adjourned till 3 o'clock, P. M.

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EODEM DIE,

The Council met.

Mr. Conwell now reported the delivery of the severals committed to him according to the order of Saturday last.

The bill for the ratification of the Articles of the Confederation by the Delaware State, and the bill for the quartering of the troops being engrossed, were read and compared and ordered to be signed by the Speaker of the Council; which was done accordingly.

er,

to prohibit, for a limited time, the distilling of  
at, rye, or any other sort of grain, or from  
the bill to prevent and punish the frauds and  
Quartermaster's and Commissary's Departments,  
to appoint commissioners to hear and determine  
between masters and soldiers of the Whig Battalion, sta-  
tioned at Dover, being respectively signed by the  
House of Assembly, were read, compared and  
approved by the Speaker of the Council ; which was

The President and Commander-in-Chief affix  
the Great Seal of the State to the following laws, passed at this

to prohibit, for a limited time, the distilling of  
at, rye, or any other sort of grain, or from any

to prevent and punish the frauds and abuses in the  
Quartermaster's Departments, and for ascer-  
taining the teams and their drivers ;

to appoint commissioners to hear and determine  
between masters and soldiers of the Whig Battalion, sta-  
tioned at Dover, in this State ;

the ratification of the Articles of Confederation  
and the

the quartering of soldiers.

Polk deliver the said bills to the House of  
Assembly signed by the Speaker of the Council, to-  
gether with the Great Seal to the same,

and returned, reported the delivery thereof accord-

and the consideration of the bill, by way of  
the several acts of Assembly for the suppression  
of the same, and the same passed the Council.

*Ordered*, That Mr. Hyatt deliver the same to the Assembly for their consideration and concurrence.

Who reported the delivery thereof according to order.

On motion, by order,

The bill to increase the salaries and allowances to the Justices of the Supreme Court was read a second time and deferred for consideration till to-morrow morning.

On motion, by order,

The bill, by way of supplement to the act of pardon, was read a second time.

Mr. Craghead, a member of Assembly, was admitted to the Chair and delivered to the Chair a message from the President to the Assembly, inclosing a letter from the President of Congress on the 22d ultimo, and several acts of Congress on the subject of Finance, of October 8th and November 19th, 1778, and 1, 2, 5, 13 and 14, 1779.

The same member also returned to the Chair the bond of Jones, Esquire, and the resolution of the House of Representatives founded thereon, with the amendments proposed thereon. The Council agreed to by the Assembly, and a resolution of the House, with the said amendment inserted therein, directed the President to receive the monies due on the said bond.

The same member also returned the resolution of the House for affixing the Great Seal to the laws therein mentioned, as passed and concurred in by the House of Assembly.

The same member also delivered to the Chair the supplementary act to the act for keeping in repair the banks of Fallowfield and Bosman's Creek Marshes, &c., signed by the Speaker of the Assembly, with a resolution for affixing the Great Seal to the bill.

The same member also delivered a supplementary act for keeping in good repair the bridge and causeway at Broadkirk, in Sussex County.

On motion, by order,



act to the act for keeping in repair the Hook and Bosman's Creek Marshes, was signed by the Speaker.

er,

the House of Assembly for affixing the Great the foregoing bill, was read and concurred in

er,

act to the act for keeping in good repair ey over the Broadkiln, in Sussex County, e.

into consideration the memorial of George Latimer, Esquires, two of the members of the State, requesting leave to resign their seats appearing by the minutes of this House that , Esq'r, and the said George Latimer were council, Mr. Latimer's resignation is accepted proceeded to supply Mr. Latimer's place by ballot, when the box containing the ballot by the Speaker, Eleazer McComb, of Kent having eight ballots of the nine put into the ed a Privy Councillor.

d for leave of absence, which is granted.

Bassett for a leave of absence for a few days,

orrow morning, 10 o'clock.

TUESDAY, A. M., February 2d.

The Council met. Present all the members, except Conwell and Bassett.

Mr. Waples, a member of Assembly, was admitted and ordered to the Chair a resolution of the House of Assembly, viz. Samuel Patterson, Esquire, State Treasurer, to pay to the Continental Congress this State's quota of the Continental loan for the year 1778, amounting to sixty thousand dollars, following verbal message, viz :

*"Gentlemen :*

*"The House of Assembly have resolved to adjourn till some future day."*

Adjourned till 3 o'clock, P. M.

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EODEM DIE,

The Council met and resumed the consideration of the committee's report on the Public Accounts, and proposed amendments to sundry amendments.

The committee to whom were recommitted the bill for the relief of wounded officers, soldiers, &c., now reported, in opinion, that the same be rejected and a new one framed thereof. A bill for this purpose being laid on the table, the Council, in order, read the first time.

Mr. Kollock, a member of Assembly, was admitted and ordered at the Chair the bill for raising one hundred and ninety thousand dollars, for the service of the year 1779, by a tax, signed by the Speaker of the House of Assembly, together with the original bill, the committee's report thereon,

d by the Council thereto, in order to be  
by the Speaker of the Council, with a res-  
e Great Seal thereto.

Polk return to the House of Assembly the  
tee on the Public Accounts, and the paper  
sed thereto by the Council for their concur-  
accounts and vouchers.

urned, reported that he had waited on the  
with the above papers, according to order.

into consideration the verbal message from  
ly, delivered in the forenoon, and thereupn  
message, in answer to the same, be drawn  
a was read and agreed to, and is as follows,

opinion that some of the business now be-  
they deem necessary on the part of your  
cannot be completed in the short time your  
ve limited for their sitting by their verbal  
d. The Council beg leave to remind you  
or or certificate of the appointment of the  
State to Congress have been as yet sent to  
been done on the resolutions of Congress,  
gh your House late last evening, and if time  
businesses they will be left undone. We  
duty thus to shew our opinion of the conse-  
nsue from the adjournment of your House  
mit the same to your consideration.

*Signed by order of the Council.*

d, 1779.

. Clowes deliver the said message to the

ed the delivery according to order.

er,

the House of Assembly directing Samuel

Patterson, Esq., State Treasurer, to pay this State's quota of Continental tax for the year 1778 to the Continental Congress. The resolution was read the first time.

By special order the same was read the second time, and agreed to; and thereupon, on motion,

*Resolved*, That the President or Commander-in-Chief of this State be authorized and appointed to draw orders on the State Treasurer, as well for the sixty thousand dollars raised in this State for the proportion demanded by Congress for the year one thousand seven hundred and seventy-eight, as for the one hundred and fifty thousand dollars to be demanded of the State for its proportion demanded by Congress for the year seventeen hundred and seventy-nine, when the same, or any part thereof, shall come to the hands of the State Treasurer, to direct the payment of the said sums respectively into the Treasury of the United States, and there placed to the credit of this State.

*Ordered*, That Mr. Polk deliver the same to the House of Assembly for their concurrence, together with the resolution of the House of Assembly disagreed to by the Council.

On motion, by order,

The resolution directing the President to receive the sum due on the bond of John Jones, Esq., et al., was read, concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY

“MONDAY, P. M., February 1,

“Mr. Speaker laid before the House an obligation, dated the 1st May, 1777, for one thousand pounds from John Jones, Esq., Dagworthy, and Levin Derrickson, of the County of York, Esquires, to this State, the said sum being a loan granted by the State to the said John Jones, in pursuance of divers resolutions of the General Assembly in February, 1777, for the employment and assistance of him in erecting salt works in this State, with a special condition, agreeable to the purport of the said resolutions; and the House taking the same into consideration, and it appearing that no supply of salt for the use of the said works made and manufactured therein, hath been obtained,

ar hath elapsed since the date of the bond

be recommended to the President or Com-  
rthwith to take necessary and effectual mea-  
monies payable by the said obligation on  
ce of the condition thereof, and on the re-  
o apply them to the payment of the allow-  
ade by the General Assembly to the Militia

Polk return the foregoing resolution to the  
concurred in by the Council, together with  
the original resolution.

er,

the members of the Privy Council, and the  
use of Assembly founded thereon, were read  
an amendment was proposed and agreed to.

same be transcribed and sent, with the said  
ouse of Assembly for their concurrence, by

a member of Assembly, was admitted and  
air a message from the House of Assembly  
a, by order, was read, and follows in these

sembly have taken your message, just now  
sideration. The desire they have to com-  
business which at this time appears immedi-  
be concluded, has induced them to postpone  
urnment until to-morrow evening, but can-  
nger; and therefore desire that all possible  
ven to the business most urgent."

er,

g provision for the relief of wounded officers  
as read the second time, and passed the

*Ordered*, That Mr. Polk deliver the same to the Assembly for their concurrence, and return the bill pro that House rejected by the Council.

On motion, by order,

The supplementary bill to the act for keeping in go the bridge and causey over the Broadkiln, in Sussex was read the second time and deferred for consideration morrow morning.

Adjourned till eight o'clock to-morrow morning.

WEDNESDAY, A. M., February 30

The Council met. Present the same members as on y

Mr. Polk now reported the delivery of the several pap in charge to him, agreeable to the order of yesterday.

On motion, by order,

The President's message to the General Assembly, o instant, and its inclosures, were severally read, and the sage is as follows, viz :

*"Gentlemen of the General Assembly :*

"I have just received, by express, from his Excell  
"President of Congress, a letter of the 22d ultimo, incl  
"divers acts of that honorable body on the subject of  
"which I have ordered the Secretary to lay before you  
"for your perusal.

"CÆSAR RO

"Dover, February 1st, 1779."

On motion, by order,

The bill to increase the salaries and allowances to th of the Supreme Court was read the third time and will

Baning return the same to the House of  
by the Council.

resumed the consideration of the supplement  
for keeping in good repair the bridge and  
dick, in Sussex County, and some amend-  
ment to the same, were proposed, agreed  
transcribed and sent therewith to the House  
for concurrence, by Mr. Patterson.

reported the delivery of the bill to increase  
salaries to the Justices of the Supreme Court,

the bill for raising one hundred and ninety-  
three, for the service of the year one thousand  
seventy-nine, by a general tax, and the bill,  
in addition to the act entitled "An act to enable the  
owners of the meadow, marsh and cripple on the  
Ferry Creek, called Fern Hook Marsh, and  
meadow on the south side of the same creek,  
and Marsh, in the County of New Castle, to  
repair sluices in repair, and to raise a fund to de-  
fracture," being severally read and compared,  
the Speaker of the Council and returned, by Mr.  
House of Assembly, together with the resolu-  
tion for affixing the Great Seal to the said bills,  
to the Council.

member of Assembly, was admitted and de-  
livered the memorial from the members of the Privy  
Council founded thereon, with the amendments  
proposed by the Council disagreed to by the House of

also returned to the Chair the resolution  
for the President to draw orders on the State  
treasury of the sixty thousand dollars and one  
thousand dollars, raised and to be raised for the  
seven hundred and seventy-eight and one  
hundred and seventy-nine, into the Continental  
fund proposed thereto by the House of

Assembly, and the resolution of that House disagreed with the Council.

The same member also delivered to the Chair the Papers, accounts and vouchers, the report of the committee thereof, and the Council's amendments thereto, in part agreed to by the House of Assembly.

Adjourned till 3 o'clock, P. M.

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EODEM DIE,

The Council met.

Mr. Patterson now reported the delivery of the several Papers committed to him according to order.

The Council took into consideration the report of the committee for Public Accounts and such of their amendments thereto as were disagreed to by the House of Assembly, and, on motion,

*Resolved*, That the Council appoint a committee to confer with a committee of the House of Assembly on the subject of the said amendments, and Messrs. Patterson and Clowes named on the part of this House.

The Council took into consideration their amendments proposed to the resolution of the House of Assembly emanating from the Speakers of the two Houses to draw for divers sums of money in favor of the members of the Privy Council, which were turned as rejected by the House of Assembly, and, on motion, the same, and, on motion,

*Resolved*, That the Council appoint Messrs. Patterson and Clowes a committee to confer with a committee of the House of Assembly on the subject matter of the said amendments agreed to by the House of Assembly and adhered to by the Council, and thereupon the following message was drawn from the table, and read and agreed to, viz :



g taken into their consideration those parts  
eneral Committee of Accounts to which they  
amendments, and since disagreed to by your  
wit : the allowance of sixty-one pounds five  
son, for rations, and the allowance of forty  
stead of thirty shillings, to John Bullen, as  
Whig Battalion of Kent County, do still ad-  
d amendments in these two cases, and unless  
t made known to them, shall be offered to  
pinion, must continue to do so.

also reconsidered their amendment proposed  
the 26th ultimo, empowering the Speakers  
draw for divers sums of money in favor of  
Privy Council, &c., and do also adhere to  
willing to inform and be informed of every  
subjects of these amendments, do propose a  
ittees, to be appointed from each House,  
your approbation of this mode, have named  
d Clowes on the part of this House, to meet  
ay be appointed by you forthwith.

*Signed by order of the Council.*

, 1779.

. Polk deliver the same to the House of

the delivery according to order.

nto their consideration their resolution em-  
ent to draw for the sixty thousand dollars  
d fifty thousand dollars, raised and to be  
the years seventeen hundred and seventy-  
hundred and seventy-nine, and to be paid  
Treasury, and the amendments proposed  
of Assembly, to insert the words [Speakers  
House of Assembly be directed], instead of  
t or Commander-in-Chief of this State be  
nted], and the amendment being agreed to  
tion was transcribed and sent to the House  
Clowes, for concurrence.

Mr. Cook, a member of Assembly, was admitted and to the Chair the bill entitled "A supplement to an act 'An act for keeping in good repair the causey and bridge over the Broadkiln Creek, in Sussex County, and for regulating the toll for passing the same,'" and also the bill to increase the salaries and allowances of the Justices of the Supreme Court severally engrossed and signed by the Speaker of the Assembly, together with a resolution for affixing the Great Seal to the said bills.

On motion, by order,

The foregoing bills were severally read, compared, and found to be signed by the Speaker of the Council; which was accordingly.

On motion, by order,

The resolution for affixing the Great Seal to the said bills was read and concurred in.

*Ordered*, That Mr. Clowes return to the House of Assembly the foregoing bills, respectively signed by the Speaker of the Council, and also the resolution for affixing the Great Seal to the said bills, concurred in by the Council.

Mr. Waples, a member of Assembly, was admitted and to the Chair a resolution of that House requesting the President to transmit an exemplified copy of the act empowering the Delegates in Congress to subscribe the Articles of Confederation.

The same member also delivered to the Chair a resolution of the House of Assembly in favor of the Clothier-General's demand of two thousand five hundred pounds, to enable him to purchase a quantity of linen for the Delaware Regiment, with a resolution of that House obliging him to give security for the proper discharge of his duty in office, and to be accountable for the public monies which come to his hands.

The same member also delivered to the Chair a resolution of the House of Assembly directing the Speakers of the two Houses to transmit to the commissioners under the act for raising two hundred and ninety-eight thousand dollars notification of their appointment, and the following message, viz :

Assembly have taken into consideration your delivered, respecting the appointment of amendments proposed to the report of the Delegates, &c., and have nominated on their part Clayton, West, and Kollock, for that purpose, also inform the Council that they intend to beg the Council to give what dispatch to their urgent business before them."

resolutions, delivered with the above message, and concurred in, and are as follows, viz :

"IN THE HOUSE OF ASSEMBLY,  
WEDNESDAY, P. M., February 3, 1779.

Resolved, That the President or Commander-in-Chief be and is requested to transmit to the Delegates of Congress an exemplified copy, under the authority of Assembly entitled "An act to authorize the Delegates of the Delaware State to subscribe to the Articles of Confederation and Perpetual Union of the several States."

"IN THE HOUSE OF ASSEMBLY,  
WEDNESDAY, P. M., February 3, 1779.

Resolved, That every person who holds any post or office within this State should give security for the faithful performance of the duties thereof, and to account for the same which may by virtue thereof come into his hands.

Resolved, That George Craghead, Esq., Clothier-General of this State, be and is requested to give bond, in the name of the Delaware, or more sufficient sureties, in the sum of one thousand pounds, lawful money of this State, on or before the first of April next, conditioned for the faithful performance of the duties of the said office, and to render an account to the General Assembly of all the moneys that shall come into his hands by virtue of said office.

*"Also resolved*, That Samuel Patterson, Esquire, be  
*"hereby empowered and requested to take the said bo*  
*"the same before the General Assembly at their next r*

*"Extract from the minutes.*

*"JAS. BOOTH, Cl'k of Ass*

*"IN THE HOUSE OF ASSEMB*

*"WEDNESDAY, P. M., February*

*"WHEREAS it is necessary to provide linen for the*  
*"Regiment for the present year,*

*"Resolved*, That the Speakers of the Council and  
*"Assembly do forthwith draw an order on the State*  
*"in favor of George Craghead, Esq., Clothier-Gener*  
*"State, for the sum of two thousand five hundred p*  
*"enable him to purchase a quantity of linen for th*  
*"aforesaid, and the said Clothier-General to be accou*  
*"the said sum to the General Assembly.*

*"Extract from the minutes.*

*"JAS. BOOTH, Cl'k of Ass*

*"IN THE HOUSE OF ASSEMB*

*"WEDNESDAY, P. M., February*

*"Resolved*, That the Speakers of the Council and  
*"Assembly transmit to William McClay, of New Castl*  
*"merchant; William Manlove, of Kent County, merc*  
*"Colonel Caleb Cirwithin, of Sussex County, a notic*  
*"appointment in the act for raising one hundred an*  
*"eight thousand dollars, for the purpose of ascerta*  
*"value of all real property within this State.*

*"Extract from the minutes.*

*"JAS. BOOTH, Cl'k of Ass*

*Ordered*, That the preceding resolutions, with the co  
of the Council thereto respectively, be returned, by Mr  
to the House of Assembly.

*Resolved*, That the resolutions of the General Ass  
the Articles of Confederation and Perpetual Union be

shire, Massachusetts Bay, Rhode Island, New Jersey, Pennsylvania, Delaware, North Carolina, South Carolina, and Georgia, the act of ratification, be transcribed and the same sent to the respective Delegates from each State forthwith.

The same be sent to the House of Assembly, by Mr. Clowes.

Returned, reported the delivery of the seal to him, according to order.

r,

The payment of cloth, taken and seized by the State for the use of the Delaware Regiment, was ordered, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,  
SATURDAY, P. M., January 20th, 1779.

Resolved, That the Committee of Accounts, to whom were referred the accounts of the quantities of cloth taken from several fulling mills by Lieutenant Colonel Charles Pope, of the Delaware Regiment, for the clothing of the said regiment, be and they are directed to report thereon, and the sum thereof, amounting to eight hundred and sixteen shillings and four pence half penny, be taken into consideration,

That the Clothier-General for this State be and he is required to pay into the hands of the Committee of Accounts of the fulling mills respectively from whom he hath taken cloth for the clothing of the said regiment, the sum or sums of money as may be due for the same, and producing accounts therefor duly authenticated by the Speakers of both Houses be and they are directed to draw an order on the State Treasurer for the sum of eight hundred and fifty pounds in full of the said sum, to enable him to carry into execution.

minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

*Ordered*, That Mr. Polk return the same to the House, which was concurred in by the Council.

Mr. Polk reported the delivery thereof according to order.

The committee of conferees on the subject matter of the amendments proposed to the report of the Committee of Finance and Accounts, now delivered their report at the table, which was read and agreed to.

Mr. Lockwood, a member of Assembly, was admitted to the Chair the resolution of Council for furnishing the Delegates in Congress with certified copies of the resolutions passed previous to the act of ratification, concurred in by the House of Assembly.

The same member also delivered to the Chair a certificate of appointment of Delegates from this State to Congress.

Mr. Craghead, a member of Assembly, was admitted to the Chair the resolution of the Council empowering the Speakers of the two Houses to draw orders for the payment of divers sums into the Continental Treasury, concurred in by the House of Assembly.

The same member also delivered to the Chair the resolution empowering the Speakers of the two Houses to draw orders for sums of money in favor of the members of the Privy Council with the amendments proposed thereto by the Council, concurred in by the House of Assembly and made therein; whereupon the said resolution was concurred in, and is as follows,

“IN THE HOUSE OF ASSEMBLY

“TUESDAY, P. M., January 26th

“The House of Assembly having resumed the consideration  
“of that part of the report of the committee to whom referred  
“the instance of the Chief Justice of this State and the members  
“of the Privy Council were referred, which relates to an order  
“to each of the members of the said Council,

“*Resolved*, That the Speakers of the Council and of the  
“Assembly be empowered and directed to draw on the  
“Treasury of the Loan Offices of this State, or any of them, for  
“the sum of one hundred pounds in favor of each of the members

his State, for his expenses incurred in the duties of his office previous to the passing of an Act of the General Assembly entitled 'An act for regulating the fees of divers civil officers of this State, as therein mentioned,' on the 26th day of the month of June, the Speakers of both Houses be also empowered to draw, in like manner, for the sum of £100 in favor of James Booth, Secretary of this State, for his salaries and expenses incurred by his attendance at said office during the time aforesaid.

minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

er,

the appointment of Delegates to Congress and an amendment was proposed, agreed to, and ordered.

Patterson wait on the House of Assembly to read and transcribed amendment, for their consideration the resolution empowering the Speakers to draw for divers sums of money in favor of the Privy Council, concurred in by the Council.

Mr. [Name] returned, reported the delivery of the [Name] to order.

Mr. Hyatt return to the House of Assembly to read Caesar Rodney, Esq., with their vouchers, for £1000 and two hundred and sixty-six pounds and two pence, and inform them that the same was read and allowed the same, and that he delivered the same, viz :

Leave to remind you that you have not in your determination upon the two first matters the committee of conferees relative to the allowance to Captain Casson and his officers, and the allowance for his service as Commissary to the [Name] until this is known these accounts cannot be

Mr. Hyatt reported the delivery of the above papering to order.

The Council now took into consideration the suppression of the embargo act, sent from the House of Assembly, and that the following verbal message should be sent to the House : viz :

*Gentlemen :*

The Council having under their consideration the suppression of the embargo act, sent from your House, beg to be informed how it hath appeared to your honorable House that "just cause to fear that unless a prohibition of the export of provisions from this State be extended to the States of Maryland and Virginia many of the inhabitants of this State will suffer." As this House have as yet a different sentiment in relation to the quantity of provisions to be spared from the State, but the fears above expressed may prove real and great distress to our constituents, we think it our duty, though thus late in session, to proceed on this bill if from your state of mind we shall in any wise appear dangerous to omit it, and at the same time we beg to know why the States of Maryland and Virginia only are excluded, and the States of Pennsylvania and New Jersey left open, as it hath and will probably happen that the exportation to Pennsylvania alone will exceed that of all the other States.

*Ordered,* That Mr. Hyatt deliver the same to the House of Assembly.

Mr. Hyatt, being returned, reported the delivery according to order.

Mr. Derrickson, a member of Assembly, was admitted to the Chair the public accounts and voted on the report of the committee thereon, and the Council's assent thereto, with the report of the joint committee of conference agreed to by the House of Assembly.

The same member also delivered a resolution of the House of Assembly empowering the Speakers of the two Houses to apply for monies agreed by the General Assembly to be distributed to Nathaniel Mitchell and a certain William Arnold, of York County ; and also the certificate of the appointment of



amendment proposed thereto by the Council and House of Assembly.

er,

rt of the joint committee of conference was read and is as follows, viz :

ittee of conference report that they have obtained Casson and officers the sum of sixty shillings, for their rations.

port that, on examining John Bullen's account, opinion he should be allowed the sum of one hundred pounds for his services as Commissary to the Council, and that the balance due from him to the Council, on that service.

port that the amendment proposed by the Council and House of Assembly respecting the same should be agreed to."

er,

lution empowering the Speakers of the two Houses of Captain Mitchell and William Arnold to draw upon the State Treasurer for one hundred and seventy-nine pounds six shillings and six pence, and is as follows, viz :

" IN THE HOUSE OF ASSEMBLY,  
' WEDNESDAY, P. M., February 3, 1779.

the Speakers of the Council and Assembly be directed to draw upon the State Treasurer for one hundred and seventy-nine pounds six shillings and six pence, agreed by the General Assembly, on the third day of February, one thousand seven hundred and seventy-seven, to be due to Captain Nathaniel Bullen for the sum of one hundred and twelve pounds and six pence, agreed by the General Assembly, and that the balance due to a certain William Arnold, of the Council, on that service.

minutes.

JAS. BOOTH,

ence.

*Cl'k of Assembly."*

On motion, by order, the certificate of the appointment of Delegates was read, concurred in, and is as follows, viz :

" IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE

" WEDNESDAY, P. M., February 3, 1811

" WHEREAS the Honorable John Dickinson, Nicholas B. Dyke, and Thomas McKean, Esquires, have been chosen by a joint ballot of both Houses in the General Assembly, to represent the Delaware State in the Congress of the United States of America this present year,

" *Resolved*, That they, or any of them, are hereby authorized and empowered, for and in behalf of this State, in concert, agree to, and execute any measure which may be proposed by any two of them, together with a majority of the said Congress, shall judge necessary for the defence, security, and welfare of this State in particular, and the United States in general; and generally to exercise, in concert with the Congress of the United States in Congress assembled, the powers prescribed in the Articles of Confederation and of the perpetual Union of the said States.

" Extract from the minutes.

JAS. BOOTH

" Sent for concurrence.

*Cl'k of Assen*

*Ordered*, That Mr. Clowes return the foregoing report and certificate, with the concurrence of the Council, respectively, and the public accounts and vouchers, to the House of Assembly.

Mr. Clowes, being returned, reported the delivery of the same according to order.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, February 4, 1779.

Present all the members, except Messrs.  
Read.

Speaker and Mr. Bassett revise and correct  
house and have the same printed.\*

General Assembly of Delaware, by their joint  
February instant, empowered and directed  
Council and House of Assembly to draw  
ate Treasurer as well for the sixty thousand  
State for the proportion demanded by Con-  
thousand seven hundred and seventy-eight  
d and fifty thousand dollars to be raised in  
ortion demanded by Congress for the year  
and seventy-nine, when the same, or any  
hall come to the hands of the State Trea-  
the payment of the said sums respectively  
the United States, there to be placed to the

ected to pay the said sixty thousand dollars  
y of the United States forthwith, and also  
fifty thousand dollars when the same, or  
ay come to your hands, and have the same  
this State, and the same payments shall be  
ment of your accounts with the committee  
bly for that purpose to be appointed.

allowed the following accounts, brought in  
ing, for services rendered the State and ex-  
g their attendance on the Council, viz :

Bench Battell's account, as ad-	
.....	£ 420 15 9
Patterson, Esq., his account for	
charges, . . . . .	6 0 0
	<hr/>
r, . . . . .	£ 426 15 9

and the note of passage of this and the subsequent reso-  
lutional minutes.

		<i>Brought over,</i> . . . . .	£
No.	3.	To William Polk, Esq., ditto, . . . . .	
	4.	To John Clowes, Esq., ditto, . . . . .	
	5.	To Peter Hyatt, Esq., ditto, . . . . .	
	6.	To William Conwell, Esq., ditto, . . . . .	
	7.	To George Read, Esq., ditto, . . . . .	
	8.	To Benjamin Vining, as Clerk of Council, . . . . .	
	9.	To Thomas North, barber, his account, . . . . .	
	10.	To John Bullen, his account for forage, . . . . .	
	11.	To sundries from Mr. Battell, . . . . .	

Total,\* . . . . . £

*Ordered,* That the Speaker draw orders on the Treasurers of the Loan Offices of Kent and Sussex Counties, in equal portions, for the said sum of five hundred and sixteen pounds and nine pence, in favor of Mr. French Battell.

Whereupon the said orders were drawn, and the Council journeyed till the 17th day of May next, to meet at the Dover.

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\* This total is £19 more than the items show, but so it is recorded.

ES OF COUNCIL.

---

MAY, 1779.



# ND PROCEEDINGS

OF THE

F THE DELAWARE STATE.

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NED SESSION, MAY, 1779.

---

the Council at the Town of Dover, in the  
adjournment, on Monday, the 17th day of  
1779, a sufficient number of the members  
not attending, the Council adjourned from  
day, the 24th day of this instant.

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MONDAY, May 24th, 1779.

bers attended in the Council, viz :

nty—Peter Hyatt.

The Honorable Thomas Collins, Richard

y—William Conwell, William Polk, John

committee of two be appointed to wait on his  
gent, and inform him that a sufficient num-

ber of the members of the Council have met to form a H  
are ready to receive any business which he may have  
fore them.

The gentlemen chosen : Mr. Bassett and Mr. Conwel

The committee, being returned, reported that they h  
on his Excellency, the President, with the above me  
cording to order, when he was pleased, in answer, to  
he had laid all the business which he had before the G  
sembly, by message, which was delivered to the Speak  
House of Assembly.

Adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, A. M., May 25th

The Council met. Present the same members as on y

Mr. Cook, a member of Assembly, was admitted and  
to the Chair a message from the President to the Gener  
bly, inclosing a letter from the President of Congress o  
April, and two acts of Congress, the one, of the 23d 1  
regulating the Clothing Department, the other, of the  
providing for the pay of the officers employed in it ; al  
from Mr. Pomeroy, Commissioner for settling all ac  
arreages for clothing for the year 1777, requesting a  
the expenditures of this State, and an act of Congress  
March to that effect.

The same member also delivered a letter from the  
of the State of New Hampshire, inclosing an act of th  
Court of that State to prevent the return into that State  
persons therein mentioned, &c.

The same member also delivered to the Chair a co  
President's Proclamation for suspending part of the  
prohibit the exportation of provisions from this State b  
seas for a limited time," so far as the same relates to t



letter from the President of Congress, in-  
body for affording relief to the distressed  
and of Bermuda, and a resolution of the  
prohibiting the exportation of Indian Corn  
uda.

der, the foregoing message, and its inclo-  
read, and the said message follows in these

*General Assembly :*

itting I received a letter from the honora-  
of Congress, with an act of that honorable  
nth day of March last, recommending it to  
to make up and complete their respective  
full complement, by drafts, or in any other  
think proper, and to have their quotas of  
to take the field and to march to such place  
in-Chief shall direct without delay, &c. As  
er vested in any but the General Assembly  
act on the part of this State, and as this is  
y I have had, I must now, tho' late in the  
lay the letter and act, with a return of the  
ur Honors for consideration.

ll lay before your Honors, with the Presi-  
cts of Congress, one of the twenty-third of  
ng the Clothing Department, the other, of  
oviding for the pay of the officers employed  
lay before you a letter from Mr. Pomeroy,  
ppointed to settle and pay all accounts of  
ng due to the troops of these States for the  
dred and seventy-seven, requesting a return  
of this State, and also an act of Congress,  
March, to that effect.

I have sent you a letter from his Excellen-  
the State of New Hampshire, inclosing an  
Court of that State 'to prevent the return-  
certain persons therein named, and others  
all leave that State, or either of the United  
and have joined or shall join the enemies

“ Permit me to inform your Honors that, in virtue of  
 “ mendment of Congress, I have, with the advice of  
 “ Council, suspended, by proclamation under the Great  
 “ part of the act ‘to prohibit the exportation of provis  
 “ this State beyond the seas for a limited time,’ so  
 “ same relates to the State of Massachusetts Bay, and  
 “ you, with a copy of the proclamation above men  
 “ recommendation of Congress for affording relief to  
 “ distressed inhabitants of Bermuda.

“ Gentlemen—I have just received, and beg leave to  
 “ you for consideration, a letter from the Honorable Jo  
 “ inson, Esquire, one of the Delegates in Congress on  
 “ of this State, by which you will find Congress have ca  
 “ the United States, in addition to the sum required by  
 “ tion of the second of January last, for their respecti  
 “ of five millions of dollars, to be paid into the Continen  
 “ sury before the first day of January next; that the q  
 “ to be in the same proportion with those of the fifteen  
 “ and that the quota of this State will be four hundred  
 “ thousand dollars.

“ You will receive herewith a remonstrance, signed b  
 “ ber of the officers of the Delaware Regiment, address  
 “ House, and just put into my hands to lay before you.

“ Dover, May 24th, 1779.

CÆSAR RODI

On motion, by order,

The resolution of the House of Assembly prohibiting  
 portation of Indian corn to the Island of Bermuda was  
 first time.

Adjourned till 3 o'clock, P. M.

## EODEM DIE, P. M.

er, the resolution prohibiting the exportation of the Island of Bermuda was read the second time and thereupon

committee of two be appointed on the part of the House with a committee of the House of Assembly on the matter of the resolution of Congress for the relief of the distressed inhabitants of Bermuda, and the House of Assembly founded thereon.

Then : Mr. Clowes and Mr. Bassett.

Conwell return to the House of Assembly on the matter of Congress, and the resolution of the House thereon, and deliver the following verbal message to the House of Assembly, viz :

Into consideration your resolution of yesterday relative to the exportation of Indian corn from this State to the Island of Bermuda, for the relief of the distressed inhabitants thereof, I have the honor to leave to inform your honorable House that, as the House of Representatives cannot concur with you, and therefore a committee of both Houses be appointed to confer with the committee of the said resolution, if agreeable to your House, I do accordingly appoint, on the part of the House of Representatives aforesaid, Messrs. John Clowes and John Bassett to attend your committee when and where they may be required.

Mr. Clowes returned, reported the delivery of the message to order.

Mr. Bassett, member of Assembly, was admitted and delivered the answer of the House of Assembly to the resolution of the Council, which was read, and is in

"IN THE HOUSE OF ASSEMBLY

"TUESDAY, P. M., May 25

"Read the first time, and the House, on their part  
 "Messrs. Lea, Ridgely, and Latimer conferees for the  
 "aforesaid.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Asse*

Adjourned till to-morrow morning, 8 o'clock.

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WEDNESDAY, A. M., May 26

The Council met. Present the same members as on y

Some of the members attending the committee of co  
 the Council adjourned till three o'clock, P. M.

---

EODEM DIE,

The Council met.

The committee of conferees on the subject matter of  
 lution of the House of Assembly prohibiting the export  
 Indian corn from this State to the Island of Bermuda  
 relief of the distressed inhabitants there, now made their  
 which, by order, was read and agreed to.

On motion, by order,

The supplementary bill to the act of pardon was read  
 graphs, and sundry amendments were proposed and agr

*Ordered*, That the same be transcribed and sent, with

bill, to the House of Assembly for consideration and concurrence, by Mr. Baning.

On motion of Mr. Polk, for leave of absence till ten o'clock on Monday next, the same was granted.

Adjourned till to-morrow morning, 8 o'clock.

---

THURSDAY, A. M., May 27th, 1779.

The Council met. Present the same members as on yesterday, except Mr. Polk.

Mr. Baning now reported the delivery of the papers committed to him, according to the order of yesterday.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair the accounts and vouchers of the Clothier-General, with the report of the Joint Committee for Public Accounts thereon.

On motion,

*Resolved*, That a committee be appointed to prepare and bring in a bill, by way of supplement to an act entitled "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time."

The members chosen : Mr. Bassett and Mr. Clowes.

On motion, by order,

The report of the Joint Committee for Public Accounts on the Clothier-General's accounts, was read the first time.

By special order the same was read the second time and agreed to, and is as follows, viz :

"The joint committee appointed for settling and adjusting the public accounts, report that they have examined the accounts of expenditures of George Craghead, Esq., Clothier-General of this State, and find a balance due from the said George

“Craghead to this State of two hundred and fifty-six pounds  
“shillings and two pence. In the examination of the  
“they find that he has charged a commission of five  
“on all his purchases, as also on the sum of two thousand  
“hundred and twenty pounds paid to the officers of the  
“ware Regiment, voted to them by a resolution of the  
“Assembly as a compensation for their former services  
“commissions, your committee think, are too large and  
“grant for that last mentioned service, and that two and  
“per cent. will be a sufficient allowance for paying a  
“sum, and have therefore charged him with the sum of  
“eight pounds, it being the difference between the five  
“and two and a-half per cent. All which your committee  
“mit to the consideration of the House.”

*Ordered,* That Mr. Hyatt return to the House of Representatives  
the foregoing accounts and vouchers of the Clothier General  
with the report of the Joint Committee of Public Accounts  
on, agreed to by the Council.

Mr. Hyatt reported the delivery thereof according to order.

The committee appointed to prepare and bring in a bill  
way of supplement to an act entitled “An act to prohibit the  
exportation of provisions from this State beyond the specified  
limited time,” now delivered one at the table.

On motion, by order, the said bill was read the first time.

By special order the same was read the second time.

The same, by order, was read a third time by paragraph  
will pass.

*Ordered,* That the same be transcribed and sent to the  
of Assembly for their concurrence, by Mr. —.

Adjourned till to-morrow morning, 8 o'clock.

FRIDAY, A. M., May 28th, 1779.

The Council met. Present the same members as on yesterday, and also Mr. Read.

Mr. Stout, a member of Assembly, was admitted and presented to the Chair a message from his Excellency, the President, to the General Assembly, inclosing a memorial addressed to him by Capt. William Murray, of the Island of Bermuda, praying leave to exchange salt for corn.

The same member also delivered to the Chair a resolution of the House of Assembly for a draught of twelve thousand dollars in favor of the Clothier-General, with a resolution of that House for the sale of divers articles of clothing by the said Clothier-General.

On motion, by order,

The President's message and Capt. Murray's memorial, accompanying the same, were severally read, and the said message is in these words, viz :

*"Gentlemen of the General Assembly :*

*"Since my message of the 24th instant, I have received, and now beg leave to lay before you, a letter from the President of Congress, with an act of that honorable body calling on the States for forty-five millions of dollars.*

*"The Secretary will lay before your Honors, for consideration, the application of Captain William Murray, of the Island of Bermuda, for leave to exchange salt for corn, and I am to inform you that Mr. Murray wishes to be called before the House and examined touching his application.*

*"Dover, May 28th, 1779.*

CÆSAR RODNEY."

On motion, by order,

The resolution of the House of Assembly for a draught of twelve thousand dollars in favor of the Clothier-General, was read the first time.

By special order the same was read the second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,  
“ THURSDAY, P. M., May 27th, 1779.

“ On motion,

“ *Resolved*, That the Speakers of both House be empowered  
“ and directed to draw upon William McClay, Commissioner for  
“ the sale of Forfeited Estates in the County of New Castle, for  
“ the sum of twelve thousand dollars in favor of George Crag-  
“ head, Esq., Clothier-General of this State, to enable him to  
“ furnish each officer of the Delaware Regiment with the clothes  
“ allowed by the General Assembly to the said officers for the  
“ present year.

“ Extract from the minutes.

“ JAS. BOOTH, *Cl'k of Assembly*.”

On motion, by order,

The resolution of the House of Assembly for the sale of divers articles of clothing by the Clothier-General, was read the first time.

By special order the same was read the second time, and some amendments were proposed and agreed to.

*Ordered*, That the same be transcribed.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

*Ordered*, That Mr. Baning return to the House of Assembly the resolution for a draught of twelve thousand dollars in favor of the Clothier-General, with the concurrence of the Council thereto, and also the resolution for the sale of divers articles of clothing by the Clothier-General, with a paper of amendments proposed thereto by the Council.



Mr. Baning, being returned, reported the delivery of the same according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair an act of Congress recommending to the several States to complete their respective battalions to their full complement, with a resolution of the House of Assembly for filling up the Delaware Regiment, and the return of said regiment, a remonstrance from the officers of the same regiment, and the resolutions of the House of Assembly for the encouragement of the officers thereof.

On motion, by order,

The foregoing resolutions, return and remonstrance were severally read the first time.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly respecting the clothing of the Delaware Regiment, and also the resolution for the sale of divers articles of clothing by the Clothier-General, with the amendments proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order,

The foregoing resolution respecting the clothing of the Delaware Regiment was read, concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, P. M., May 28th, 1779.

“WHEREAS George Craghead, Esq., Clothier-General, hath informed the House that there are divers quantities of woollen cloth, &c., belonging to this State, in the hands of Lieutenant Colonel Charles Pope, of the Delaware Regiment, and others,

“*Ordered therefore*, That the said Clothier-General receive of Colonel Pope all the cloths, blankets, and other articles of clothing in his hands belonging to this State, and also that he receive of all other persons such clothing or articles thereof as they may have in possession belonging to the State, and apply the same towards clothing the Delaware Regiment, first returning an exact account of each article so obtained, and

“from whom, to the President of the State, to be laid before the  
“General Assembly at their next sitting.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

*Ordered*, That Mr. Read return the foregoing resolution to the House of Assembly, concurred in by the Council.

Adjourned till to-morrow morning, 8 o'clock.

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SATURDAY, A. M., May 29th, 1779.

The Council met. Present the same members as on yesterday, and also Mr. Polk.

On motion,

The President's message of the 28th instant, with the memorial of William Murray, of the Island of Bermuda, was read a second time and taken into consideration.

*Resolved*, That it is the opinion of this House that the distress of the inhabitants of the said Island of Bermuda ought to be relieved by a speedy supply of provisions from this State, and that power be given to the President, with the advice of the Privy Council, to grant his license for the same to such persons whose attachment to the United States is vouched or known, and that a bill be prepared and brought in for this purpose.

Whereupon such a bill is laid upon the table.

On motion, ordered that the same be read the first time.

By special order the same was read the second time, and it will pass.

*Ordered*, That the said bill be engrossed.

*Ordered also*, That the said bill engrossed be sent, with the President's message of the 28th instant, and Captain Murray's

memorial, to the House of Assembly, for their consideration and concurrence, by Mr. Read.

Mr. Read, being returned, reported the delivery of the several papers committed to him, according to order.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the bill for the relief of the inhabitants of the Island of Bermuda, concurred in by that House and signed by their Speaker, with a resolution of the House of Assembly for affixing the Great Seal to the same.

On motion, ordered that the said bill be now signed by the Speaker of the Council, and that the same pass into a law.

Ordered also that the Speaker sign the resolution for affixing the Great Seal to the said bill, and that the same be delivered to the President.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair the public accounts and vouchers, and the report of the Joint Committee of Public Accounts, and a resolution of the House of Assembly for the advance of three hundred dollars to Captain Learmouth.

On motion, by order, the said resolution was read the first time.

Adjourned till Monday morning, 10 o'clock.

MONDAY, May 31st, 1779.

The Council met. Present all the members as on Saturday, except Messrs. Clowes, Polk and Conwell.

On motion, by order,

The resolution respecting an advance of monies to Captain Learmouth was read and concurred in, and is as follows, viz :

“WHEREAS by Captain Learmouth's enlistment accounts for the last campaign, a balance appears due to him, but the same cannot now be settled for want of the vouchers ; therefore

“*Resolved*, That the President of this State be requested to advance three hundred dollars to the said John Learmouth out of any public monies in his hands, for which the said Learmouth is to be accountable to the General Assembly.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

*Cl'k of Assembly.*”

*Ordered*, That Mr. Hyatt return the foregoing resolution to the House of Assembly, concurred in by the Council.

Mr. Hyatt reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o'clock.

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TUESDAY, A. M., June 1st, 1779.

The Council met. Present the same members as on yesterday, and also Messrs. Clowes and Conwell.

Adjourned till 3 o'clock, P. M.

## EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a bill for the recovery of sundry sums of money from the executrix of Jacob Kollock, deceased, with the report of the committee for settling the Loan Office accounts in the year seventeen hundred and seventy-six.

The same member also delivered a memorial from Capt. Allen McLane, of the 28th April, 1779, addressed to the Congress of the United States, accompanied with an act of Congress, founded thereon, enclosed in a letter from the President of Congress to the President of this State, and a report of the Joint Committee of Accounts upon the same memorial, accounts and vouchers of Capt. Allen McLane.

On motion, by order,

The foregoing memorial of Capt. Allen McLane, and the act of Congress indorsed thereon, and the report of the Joint Committee of Accounts on the said memorial and accounts, were severally read, and the said report of the Joint Committee of Accounts was concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, A. M., June 1st, 1779.

“ The Committee of Accounts, to whom were referred the “ memorial of Captain McLane, &c., made their report, which “ was read and agreed to by the House, and follows in these words, viz :

“ The Joint Committee of Accounts, to whom were referred “ the memorial of Captain McLane and the resolution of Congress thereon, beg leave to report that they have carefully examined his accounts and all the circumstances attending them, “ and find that Capt. McLane has received the same allowance, “ at settlement of his accounts with the auditors, that the officers “ of the Delaware Regiment have, but that Capt. McLane, from “ his particular situation, not being under the direction of any “ State, and not having similar orders for recruiting with the

“officers belonging to particular States, he was obliged to pursue those of his colonel, whereby he incurred an extraordinary expense, amounting to three hundred and nine pounds fourteen shillings and four pence, which your committee think should be allowed him, and be charged by this State to the Continent, agreeable to the aforesaid resolution of Congress, indorsed on his memorial.

“On motion,

“*Resolved*, That the Speakers of both Houses draw on the State Treasurer for the aforesaid sum of three hundred and nine pounds fourteen shillings and four pence in favor of Capt. Allen McLane.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

*Ordered*, That the same be returned to the House of Assembly, with the concurrence of the Council thereto, together with Capt. McLane's memorial, accounts and vouchers, and the act of Congress indorsed thereon, and the President's letter, by Mr. Clowes.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair an act of Congress, of the 16th December last, for annexing Captain Allen McLane's company to the Delaware Regiment, and a copy of General Washington's order to the commanding officer of the Delaware Regiment to annex Capt. McLane's company to the said regiment, together with a memorial from Captain McLane to the General Assembly, praying leave to be annexed to the Delaware Regiment, and a resolution of the House of Assembly for that purpose, founded on the said memorial.

On motion, by order, the foregoing papers were severally read, and the resolution of the House of Assembly for annexing Capt. McLane's company to the Delaware Regiment, was concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“TUESDAY, P. M., June 1, 1779.

“A memorial from Captain Allen McLane was presented to the Chair, and, by order, read the first time, and thereupon

*Resolved*, That Captain Allen McLane, his officers, and the non-commissioned officers and privates of his company, be annexed to the battalion or regiment of this State, agreeable to the resolution of Congress of the 16th of December last, and the direction of his Excellency the Commander-in-Chief of the Army, and that they be allowed the same pay, emoluments and advantages with the other officers and men belonging to the same regiment, and be in all respects considered as part of the same corps.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

*Ordered*, That Mr. Clowes return the said resolution to the House of Assembly concurred in by the Council, together with the foregoing act of Congress, General Washington's order, and Captain McLane's memorial.

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., June 2d, 1779.

The Council met. Present the same members as on yesterday.

Mr. Clowes now reported the delivery of the several papers committed to him, according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

Doctor Clayton, a member of Assembly, was admitted and delivered to the Chair a bill entitled “An act for the better proportioning the punishment to the crime of slave and horse stealing and conjuration, and for other purposes.”

On motion, by order, the foregoing bill was read the first time.

On motion, by order,

The resolutions of the House of Assembly for filling up the Delaware Regiment were read a second time, and sundry amendments were proposed and agreed to.

*Ordered*, That the same be transcribed and sent, with the said resolutions, to the House of Assembly, for their consideration and concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for the recovery of sundry sums of money from the executrix of Jacob Kollock, deceased, &c., was read the first time.

On motion, by order,

The resolutions of the House of Assembly for the encouragement of the officers of the Delaware Regiment were read the second time and deferred for consideration.

Adjourned till to-morrow morning, 10 o'clock.

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THURSDAY, A. M., June 3d, 1779.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.



EODEM DIE, P. M.

The Council met.

Mr. Kollock, a member of Assembly, was admitted and delivered to the Chair the resolutions for filling up the Delaware Regiment, with the amendments proposed thereto by the Council acceded to by the House of Assembly and made therein.

The same member also delivered a bill for the better securing elections within this State.

The same member also delivered a bill to increase the fines and penalties on the civil and military officers and the privates of the Militia for refusal or neglect of duty, and to augment the fees of several officers and other persons, and also the following order of the House of Assembly respecting their adjournment, viz :

“IN THE HOUSE OF ASSEMBLY,  
“THURSDAY, A. M., June 3d, 1779.

“On motion,

“*Ordered*, That Mr. Kollock wait on the Council and inform “them that this House intend to adjourn on Saturday next to “the thirtieth day of September following.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

On motion, by order,

The resolutions for filling up the Delaware Regiment, as amended and agreed to, were read and concurred in, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY,  
“WEDNESDAY, June 3d, 1779.

“WHEREAS by a return of the present state of the Delaware “Regiment, the same appears to be deficient in numbers ; in “order, therefore, to fill up the said regiment

“*Resolved*, That the President be requested to apply to Gen-

“eral Washington, or the commanding officer of the regiment  
“aforesaid, forthwith to order three or more officers from the  
“said regiment into this State upon the recruiting service.

“*Resolved also*, That every officer be allowed one hundred  
“dollars for each able-bodied soldier he may enlist to serve dur-  
“ing the war, and who shall pass muster.

“That an additional bounty of eighty dollars, over and above  
“the two hundred dollars allowed by Congress, be given to every  
“soldier that may be so enlisted.

“That the President be authorized to appoint one or more fit  
“persons within this State to muster such recruits.

“That the Speakers of both Houses be empowered to draw  
“an order on the State Treasurer in favor of the President for  
“thirty-six thousand dollars, and that the President, on receipt  
“of the same, advance thereout from time to time to the officers  
“respectively appointed to recruit for the said regiment such  
“sum or sums as he shall judge prudent and necessary to enable  
“them to proceed in the said service.

“That the said officers respectively, before they depart the  
“State, when called upon by the President, shall account with  
“him for the expenditure of all monies received for the purpose  
“aforesaid.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., June 4th, 1779.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for the better securing elections within this State was read the first time.

On motion, by order,

The bill to increase the fines and penalties on civil and military officers, and the privates of the Militia, for refusal or neglect of duty, &c., was read the first time.

On motion for leave to bring in a bill for the speedy recovery of public debts, the same was granted ; whereupon a bill for that purpose was laid on the table.

On motion, by order, the said bill was read the first time.

By special order, the same was read the second time and will pass.

On motion, by order,

The bill for the better proportioning the punishment to the crime of slave and horse stealing, &c., was read the second time by paragraphs, and some amendments were proposed, agreed to and ordered to be transcribed.

*Ordered*, That Mr. Conwell return to the House of Assembly the last-mentioned bill, with the paper of amendments proposed thereto by the Council, and also the resolutions for filling up the Delaware Regiment, with the concurrence of the Council thereto, and to deliver to that House the bill for the speedy recovery of public debts, for their consideration and concurrence.

Adjourned till 3 o'clock, P. M.

EODEM DI

The Council met.

Mr. Conwell now reported the delivery of the above according to order.

Mr. Patterson now appeared in the Council.

The Council now took into consideration the resolution of the House of Assembly for the encouragement of the officers of the Delaware Regiment, and several amendments, by way of amendment to the same, were proposed and agreed to.

*Ordered,* That Mr. Polk return the said resolutions and proposed amendments to the House of Assembly, for their consideration.

Mr. Polk, being returned, reported the delivery of the same according to order.

On motion, by order,

The bill for the recovery of sundry sums of money due to the executrix of Jacob Kollock, deceased, was read the second time, and sundry amendments were proposed and agreed to.

*Ordered,* That Mr. Hyatt return the said bill, with the proposed amendments thereto, to the House of Assembly for their consideration, and the copy of the state of the public accounts of Sussex County.

Mr. Peery, a member of Assembly, was admitted to the Chair and introduced a bill for the economy in the supplies for the Army of the United States.

The same member also delivered to the Chair a resolution for the House of Assembly for the appointment of a committee to settle the State Treasurer's accounts.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., June 5th, 1779.

The Council met. Present all the members.

Mr. Hyatt now reported the delivery of the several papers given to him in charge, according to the order of yesterday.

On motion, by order,

The bill for the better securing elections within this State was read the second time.

The same was read a third time by paragraphs, and sundry amendments were proposed and agreed to.

*Ordered*, That Mr. Baning return the said bill to the House of Assembly, with the paper of amendments proposed thereto by the Council, for their consideration and concurrence.

Mr. Baning, being returned, reported the delivery thereof according to order.

Dr. Clayton, a member of Assembly, was admitted and delivered to the Chair a bill for raising an additional sum of four hundred and ninety-five thousand dollars by a general tax.

The same member also delivered to the Chair the report of the committee appointed to state an account of expenditures by this State on behalf of the Continent, with the report of the Joint Committee of Accounts, and the public accounts and vouchers.

The same member also delivered to the Chair the resolutions for the encouragement of the officers of the Delaware Regiment, with the paper of amendments proposed thereto by the Council, in part acceded to by the House of Assembly.

On motion, by order,

The bill for raising an additional sum of four hundred and ninety-five thousand dollars, &c., by a general tax, was read the first time.

On motion, by order,

The bill to increase the fines and penalties on civil officers, &c., was read the second time.

Mr. Latimer, a member of Assembly, was admitted to the Chair the bill for the speedy recovery of public money with a paper of amendments proposed thereto by the Assembly.

On motion, by order,

The bill for the introducing economy in the purchasing for the Army of the United States was read the first time.

On motion, by order,

The resolution of the House of Assembly for the appointment of a committee to settle the accounts of the State Treasurer was read and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY

“FRIDAY, A. M., June 4

“On motion,

“*Resolved*, That a committee of three be appointed to  
“and adjust the accounts of the State Treasurer,  
“report thereof to the General Assembly at their next meeting.  
“The members appointed, on the part of this House,  
“Joshua Clayton and George Latimer, Esquires.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Ass*

And thereupon the Council appoint, on their part, John B. Latimer, Esquire, to join the said committee of the House of Assembly for the purpose aforesaid.

On motion, by order,

The report of the committee appointed to state and settle the expenditures by this State on behalf of the Continental Congress was read the first time.

On motion, by order,

The report of the Joint Committee of Public Accounts was read the first time.

reconsidered their amendments to the resolution of Assembly for the encouragement of the Delaware Regiment, which was disagreed to by the Assembly to the same.

er,

into consideration the amendments proposed to the bill for the speedy recovery of the same being agreed to were made in the bill,

said bill be engrossed.

clock, P. M.

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EODEM DIE, P. M.

Member of Assembly, was admitted and delivered the bill for the recovery of public monies from the Loan Office in Sussex County, and others for the better proportioning the punishment of slave and horse stealing and conjuration, &c.; also the supplement to an act entitled "An act for the relief of the poor and obnoxious persons"; and also the bill for the relief of the persons within this State, (with the several amendments to the same bills) respectively signed by the House of Assembly, in order that the same be compared and signed by the Speaker of the

also delivered a resolution of the House of Assembly for the Great Seal of this State to the foregoing

. Clowes return to the House of Assembly for the encouragement of the officers of the Dela-

ware Regiment, and the amendments proposed there Council, and inform them that the Council still adher amendment partially disagreed to by the House of Ass

Mr. Clowes reported the delivery thereof according

Mr. Cook, a member of Assembly, was admitted and the last-mentioned resolutions, with the amendments thereto by the Council generally agreed to by the Asse made therein, and the same, as amended, were read curred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY

“ FRIDAY, A. M., May 2

“ WHEREAS from the advanced prices of the neco  
“ life the officers of the Delaware Regiment, in the serv  
“ United States of America, cannot furnish themselv  
“ same, with their present pay, without injury to th  
“ fortunes ; in order therefore to relieve the officers o  
“ regiment from the difficulties aforesaid and enable th  
“ tinue in the service of their country,

“ *Resolved*, That the officers of the Delaware Regim  
“ after mentioned, be allowed monthly, except while on  
“ until otherwise ordered by the General Assembly, as  
“ wit : Each field officer, two gallons of rum, six ounce  
“ two pounds of coffee, two pounds of chocolate, and s  
“ of Muscovado sugar ; each captain, five quarts of  
“ ounces of tea, one pound and an half of coffee, o  
“ and an half of chocolate, and five pounds of Musc  
“ gar ; each subaltern, four quarts of rum, four ounce  
“ one pound of coffee, one pound of chocolate, and fo  
“ of Muscovado sugar ; the surgeon, four quarts of  
“ ounces of tea, one pound of coffee, one pound of  
“ and four pounds of Muscovado sugar ; and the surge  
“ three quarts of rum, three ounces of tea, one pound  
“ one pound of chocolate, and three pounds of Muscov  
“ That the Clothier-General of this State for the time  
“ empowered to purchase such and so many of the arti  
“ said as may be sufficient for a two months' supply an  
“ them to camp with all convenient dispatch, to the  
“ custody of the Paymaster to the Delaware Regime  
“ time being, to be by him delivered out to the respect



ent by such proportions and in such times as resolution is directed.

ent be empowered and directed to draw his Treasurer forthwith to pay into the hands of the Clothier-General the sum of one thousand pounds, to make purchase of the articles aforesaid.

ent be also empowered and directed to draw from time to time thereafter, on the State Treasurer, or the Clothier-General such sum of money as the Legislature may deem necessary and sufficient for purchasing a supply of the articles allowed to the officers of the said regiment, so as the same do not exceed the sum of four hundred pounds in each quarter, the said Treasurer returning from time to time to the President an account of the expenditure of the preceding year in his hands.

Clothier-General obtain from the Paymaster a receipt for the amount of deliveries, attested by the commandant of the said regiment, and that the said Clothier-General lay before the General Assembly, or a committee thereof, a statement of all monies so as aforesaid paid into his hands, once in every six months at the least.

Clothier-General give bond to the State Treasurer, of the Delaware State, with one or more good and sufficient sureties, in the sum of five thousand pounds, lawfully required for the faithful performance of the duties of the said office of him.

compensation of the services rendered by the officers of the said regiment, and to encourage the continuance thereof, that each officer of the said regiment, who by a resolution of Congress shall be entitled to half-pay for a certain number of years, to commence at the end of the present year, shall receive by this State from and after the expiration of the said term of years for and during the life of every such officer.

That every officer of the said regiment who shall be entitled to half-pay, agreeable to the last resolution, shall be subject to be called into actual service at such times as the Legislature, or, in their recess, the Executive

“power of the State, shall deem necessary ; and upon  
 “neglect or refusal of any officer, he having no reasonable  
 “cause to be judged of by the General Assembly, the half-  
 “pay of every such officer shall be discontinued from  
 “the day of such neglect or refusal.

“That the widow of every officer of the said regi-  
 “ment who hath died in the service aforesaid since the commen-  
 “cement of the present war, or may die during the continuance  
 “thereof, shall be entitled to and receive, during her widow-  
 “hood, a moiety of the pay which such officer was entitled to  
 “receive in the service.

“Extract from the minutes.

JAS. BOOTH

“Sent for concurrence.

*Cl'k of Ass*

On motion, by order,

The several beforementioned bills, respectively signed by the  
 Speaker of the House of Assembly, were read and  
 ordered to be signed by the Speaker of the Council,  
 and accordingly done.

On motion, by order,

The resolution of the House of Assembly for affixing the  
 Great Seal to the same bills, was read, concurred in, and signed by  
 the Speaker.

On motion, by order,

The bill for the speedy recovery of public debts,  
 as amended, was read and compared, and ordered to be  
 signed by the Speaker ; which was accordingly done.

*Ordered,* That Mr. Bassett deliver to the House of  
 Commons the last mentioned bill, with its amendments, in order to be  
 compared and signed by the Speaker of that House, and in  
 return that the Council have acceded to their proposed amendments of  
 the same bill, and have accordingly engrossed it, with the  
 amendments, of the Council for affixing the Great Seal to the same  
 bills, that he return to the House of Assembly the several  
 bills, respectively signed by the Speaker of the Council,  
 their several amendments, and the resolution of the  
 Assembly for affixing the Great Seal to the said bills.

for the appointment of a committee to settle accounts, and the resolutions for the encouragers of the Delaware Regiment, respectively Council.

g returned, reported the delivery and return ers according to order.

morrow morning, 10 o'clock.

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SUNDAY, A. M., June 6th, 1779.

Present all the members.

der,

ng an additional sum of four hundred and d dollars for the present year, by a general nd time.

ad a third time by paragraphs, and sundry roposed and agreed to.

he same be transcribed and sent, with the ouse of Assembly for their concurrence, by

g returned, reported the delivery thereof ac-

'clock, P. M.

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EODEM DIE, P. M.

. Adjourned till to-morrow morning, eight

MONDAY, June 7th

The Council met. Present the same members as on y except Mr. Bassett.

Mr. —, a member of Assembly, was admitted and de the Chair the bill for raising an additional sum of four and ninety-five thousand dollars for the present year, eral tax (with its amendments), signed by the Speak House of Assembly, and a resolution of that House fo the Great Seal thereto.

On motion, by order,

The foregoing bill was read and compared, and ord signed by the Speaker of the Council ; which was ac done.

On motion, by order,

The resolution of the House of Assembly for affixing Seal of this State to the foregoing bill was read and com

*Ordered*, That Mr. Conwell return to the House of the foregoing bill and resolution, respectively signe Speaker of the Council.

Mr. Conwell reported the return of the above paper ing to order.

On motion,

*Resolved*, That all monies in the hands of the Com for Forfeited Estates within this State be forthwith pai State Treasury, together with their accounts.

Then the Council took into consideration the account expenses brought in for the service of the State at the meeting and the traveling charges of their members, and lowing accounts were allowed, viz :

Esq., for his traveling expenses			
ver, as per account, No. 1, . . .	£	12	0 0
q., for ditto, No. 2, . . . . .		18	0 0
q., for ditto, No. 3, . . . . .		6	2 6
n, Esq., for ditto, No. 4, . . . .		6	0 0
sq., for ditto, No. 5, . . . . .		6	0 0
		<hr/>	
	£	48	2 6
t, for attending the General As-			
, 149 days @ 7s. 6d., &c., No. 6,		87	7 6
, for his services as Clerk of the			
. . . . .		16	2 6
barber's bill, No. 8, . . . . .		5	10 0
or the expenses of the Council at			
9, . . . . .		540	19 8
		<hr/>	
	£	698	2 2
. . . . .		6	0 0
		<hr/>	
	£	704	2 2
		<hr/>	

The Speaker draw an order on the Trustee of the County of Kent for the sum of eighty-shillings and six pence, in favor of Jonathan that he draw an order on the State Treasurer sum of six hundred and sixteen pounds four-pence in favor of French McNatt.\*

aid orders were immediately drawn and signed

adjourned until the thirtieth day of Septem-

the manuscript, as appears by the preceding allowance.  
of the assembling of the Council on the day to which they



ES OF COUNCIL.

---

CTOBER, 1779.





# AND PROCEEDINGS

OF THE

## L OF THE DELAWARE STATE.

---

of the Council at the Town of Dover, in the  
, on Wednesday, the twentieth day of October,  
r Lord one thousand seven hundred and seventy-  
of the members to form an House not attending,  
urned from day to day until Friday, the 22d day

---

FRIDAY, P. M., October 22d, 1779.

members attended in the Council, viz :

*le County*—Samuel Patterson.

*nty*—John Baning, Richard Bassett.

*ounty*—John Clowes, William Conwell.

the Sheriff and Inspectors for the County of New  
ection of a Councillor to fill the seat of George  
ch became vacant on the first day of October last  
g laid on the table, it appears that Richard Cant-  
ected a member of the Council for the County  
n the room of the said George Read, on the first  
instant.

appeared in the Council.

f the Sheriff and Inspectors for the County of

Kent of the election of a Councillor being laid on the table, appears that Thomas Collins, Esq., whose seat became vacant on the first day of October last by rotation, was reelected a member of the Council for the County of Kent, on the first day of this instant, October.

Mr. Collins appeared in the Council.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor being laid on the table, appears that William Polk, Esq., whose seat became vacant on the first day of October last by rotation, was reelected a member of the Council for the County of Sussex, on the first day of this instant, October.

Mr. Polk appeared in the Council.

The Council then proceeded to the choice of a Speaker, and John Clowes, Esq., was elected.

The Speaker being seated in the Chair, Mr. Benjamin Clowes was appointed Clerk of the Council, and Benjamin Clowes was appointed Doorkeeper and Sergeant-at-Arms.

Messrs. Cantwell, Collins and Polk, three members of the last general election, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took their seats in the Council. *[See note on page 10.]*

Benjamin Vining appeared in the Council, took the oath, and subscribed the declaration prescribed by the 22d article of the Constitution of this State, and also took the oath of office as Clerk of the Council. *[See note on page 11.]*

On motion,

*Ordered,* That Messrs. Collins and Patterson be appointed to wait on his Excellency, the President, and inform him of the Council, having now met, desire to know whether his Excellency has any business to lay before them.

The committee, being returned, reported that they had waited on his Excellency, the President, with the above message, according to order, and that he was pleased, in answer, to

h he had to lay before the General Assembly  
by his Secretary, to the House of Assembly,  
n to the Council.

morrow morning, 9 o'clock.

---

SATURDAY, October 23d, 1779.

Present the same members as on yesterday,

ber of Assembly, was admitted and delivered  
ution of the House of Assembly for the ap-  
mittee for Public Accounts, which, by order,  
ne.

ne same was read the second time and con-  
follows, viz :

" IN THE HOUSE OF ASSEMBLY,  
" FRIDAY, P. M., October 22d, 1779.

Messrs. Latimer, Lockwood, and Young be  
Public Accounts, on the part of this House,  
ar, and that Mr. Peery wait on the Council,  
is resolution, and propose to them the ap-  
mittee of their body to join with the com-  
se in the business referred to them, if they

e minutes.  
ence.

JAS. BOOTH,  
*Cl'k of Assembly."*

essrs. Baning and Polk be appointed a com-  
of the Council, to join with the committee of  
bly for the purpose above mentioned.

*Ordered*, That Mr. Patterson return to the House on the above resolution, with the concurrence and approval of the Council thereto.

Mr. Patterson, being returned, reported that he had done the same, according to order, to the House of Assembly.

Mr. Waples, a member of Assembly, was admitted to the Chair "A bill empowering the General Assembly of this State to adjourn to, and sit at, any town or place within the same."

On motion, by order, the said bill was read the first time.

By special order the same was read the second time, the arguments, and sundry amendments were proposed and debated.

*Ordered*, That the said amendments be transcribed with the said bill, to the House of Assembly, for their consideration and concurrence, by Mr. Patterson.

Mr. Patterson, being returned, reported the return of the papers according to order.

Adjourned till Monday morning at 10 o'clock.

---

MONDAY, A. M., October 2, 1790.

The Council met. Present the same members as on the previous day, except Mr. Bassett.

Mr. Latimer, a member of Assembly, was admitted to the Chair and read a remonstrance from divers inhabitants of the County of Kent, complaining of malpractices at the late election in that county, accompanied with a proposition to the House of Assembly that the Council would appoint a committee of their body to join, with a committee of the House of Representatives, in an inquiry into the facts alleged in the said remonstrance.

On motion, by order, the said remonstrance and proposition were severally read the first and second time, and thereupon

Messrs. Polk and Cantwell be a committee, on Council, to join with the committee of the House inquiry aforesaid.

Mr. Conwell return to the House of Assembly on remonstrance, and inform them that the Council have approved their proposal of a joint committee to inquire into the said remonstrance, and have appointed, Messrs. Polk and Cantwell to join the House of Assembly for the purpose aforesaid.

5 o'clock, P. M.

---

EODEM DIE, P. M.

At. Some of the members attending on the Council adjourned till to-morrow morning at 10

---

TUESDAY, A. M., October 26th, 1779.

Present the same members as on yesterday,

reported the delivery of the paper committed to the order of yesterday.

Mr. Mark, a member of the House of Assembly, was called to the Chair a paper recommending Stephen as one of the vacant ensigncies in the Delaware Regiment with a recommendatory letter from Major. of the same regiment, to the Assembly of the favor of the said Stephen McWilliam ; and a message from the House of Assembly to the

*"Gentlemen :*

"The House of Assembly propose to your honor  
"that both Houses meet in the Council Chamber at th  
"in the afternoon, to put in nomination persons to  
"for to supply the place of second Justice of the Cou  
"mon Pleas and Orphans' Court for the County of  
"vacant, and also to supply one of the vacant ensig  
"Delaware Regiment. Dover, Oct. 26, 1779."

On motion, by order,

The foregoing papers were read, and the following a  
the Council to the above verbal message of the House  
bly was drawn up at the table, and agreed to be sent to  
of Assembly, viz :

*Gentlemen :*

The Council have received your verbal message, p  
meeting of the two Houses, in the Council Chambe  
o'clock this afternoon, to put in nomination persons  
loted for to supply the place of second Justice of th  
Common Pleas and Orphans' Court for the County of  
also to supply one of the vacant ensigncies in the Dela  
ment, and are very willing to meet the honorable Ho  
sembly for the above purpose at the time and place pr

*Ordered,* That Mr. Conwell deliver the same to th  
Assembly, and return the papers recommending St  
William for one of the vacant ensigncies in the Dela  
ment.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

ted the delivery of the foregoing papers com-  
ling to order.

sembly then met the Council in the Council  
to appointment, to put in nomination per-  
or to supply the place of second Justice of the  
Pleas and Orphans' Court for the County of  
e of the vacant ensigencies in the Delaware

essrs. Patterson, Ridgely, and West be a  
n his Excellency, the President, and inform  
al Assembly have now met in the Council  
omination persons to be balloted for to sup-  
ond Justice of the Court of Common Pleas  
t for the County of Kent, and request his  
oses to be present at such nomination.

eing returned, report that they had waited at  
se and were informed that he was absent, and  
deliver the message they had in charge.

mbly then proceeded to the nomination of  
ed for to supply the vacancies aforesaid, and  
ersons being taken down for the consideration  
as resolved that the General Assembly now  
in the Council Chamber, at ten o'clock to-  
o, ballot for the person aforesaid out of the  
omination. Then the two Houses separated.

mber of Assembly, was admitted and deliv-  
e bill empowering the General Assembly of  
to, and sit at, any town or place within the  
Speaker of the House of Assembly, together  
and its amendments.

On motion, by order, the said bill was read, com-  
ordered to be signed by the Speaker of the Council ;  
accordingly done.

Adjourned till to-morrow morning at 10 o'clock.

---

WEDNESDAY, A. M., October 27

The Council met. Present the same members as on

*Ordered*, That the bill empowering the General A-  
this State to adjourn to, and sit at, any town or place  
same, be returned by Mr. Polk to the House of Assem-  
by the Speaker of the Council.

Mr. Polk reported the return of the above bill a-  
order.

The House of Assembly now met the Council in  
Chamber, agreeable to the order of yesterday, for the  
balloting for persons to supply the place of second Ju-  
Court of Common Pleas and Orphans' Court for the  
Kent, and to fill one of the vacant ensigncies in the  
Regiment.

The General Assembly then proceeded to ballot fo-  
to fill the latter vacancy, and upon examining the ba-  
peared that Stephen McWilliam was declared duly  
of the ensigns in the Delaware Regiment.

On motion,

*Ordered by both Houses*, That Messrs. Patterson  
and Peery be a committee to wait on his Excellenc-  
sident, and acquaint him that the General Assembly  
in the Council Chamber, to elect a person to supply  
of second Justice of the Court of Common Pleas an-  
Court for the County of Kent, and request his attenda-  
election, if he thinks proper.



being returned, reported that they had waited and delivered the message committed to them, and that he was pleased, in answer, to say that they would attend the General Assembly.

ended, and proceeded with the General Assembly a person to supply the place of second Justice of the Common Pleas and Orphans' Court for the term. Upon examining the ballots it appeared that John M. Esquire, was declared to be duly elected.

The General Assembly now separate.

The Senate and the House of Assembly withdrew, and adjourned till three o'clock, P. M.

---

### EODEM DIE, P. M.

A member of Assembly, was admitted and delivered a bill empowering the General Assembly of the State to, and sit at, any town or place within the jurisdiction of the House of Assembly for affixing the seal to the said bill.

There was also delivered to the Chair a message from the President of Congress recommending Thursday, the 10th of December next, to be observed as a day of fasting, with a resolution of the House of Assembly to observe the said day of Congress.

Adjourned till tomorrow morning at 10 o'clock.

THURSDAY, A. M., October 28

The Council met. Present the same members as on

On motion, by order,

The resolution of the House of Assembly for affixing the Seal to the bill empowering the General Assembly to adjourn to, and sit at, any town or place within the read, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY

“ WEDNESDAY, P. M., October 27

“ On motion,

“ *Resolved*, That the President and Commander-in-Chief of the Great Seal of the State to the following law, to act empowering the General Assembly of this State to, and sit at, any town or place within the same.”

“ Extract from the minutes.

JAS. BOOTH

“ Sent for concurrence.

Cl'k of As

On motion, by order,

The President's message, and the act of Congress referred to, were severally read, and the said message is to wit :

“ *Gentlemen of the General Assembly :*

“ I have just received, by express, an act of Congress of the 20th instant, recommending to the several States, on Thursday, the ninth day of December next, be a day of public Thanksgiving, which act I have c Secretary to lay before your Honors.

“ Dover, October 27, 1779.

CÆSAR RO

On motion, by order,

The resolution of the House of Assembly, founded

ss, was read and concurred in, and is in these

"IN THE HOUSE OF ASSEMBLY,

"WEDNESDAY, P. M., October 27, 1779.

sumed the consideration of the act of Con-  
ing Thursday, the ninth day of December  
ved as a day of public Thanksgiving; and

Thursday, the ninth day of December next,  
y appointed to be observed throughout this  
public and solemn Thanksgiving to Almighty  
ies, and of prayer for the continuance of His  
tion to these United States, and for the other  
said act recommended; and that his Excel-  
nt of this State, be requested, by his procla-  
n the same accordingly throughout the same,  
wentieth day of November next.

e minutes.

JAS. BOOTH,

rence.

*Cl'k of Assembly."*

Mr. Conwell return to the House of Assembly  
mpowering the General Assembly to adjourn  
own or place within the State, with the reso-  
he Great Seal thereto, respectively signed by  
Council, and also the President's message,  
s therein referred to, and the resolution of  
mbly founded thereon, concurred in by the

orted the delivery of the above papers accord-

5'clock, P. M.

EODEM DIE

The Council met.

Mr. Latimer, a member of Assembly, was admitted to the Chair the remonstrance complaining of abuses at the last general election for Kent County, together with the lists of persons who voted at the said election, &c.

Mr. Young, a member of Assembly, was admitted to the Chair the papers recommending Stephen M. for one of the ensigncies in the Delaware Regiment, with an order from the House of Assembly for making and delivering a copy of the appointment of the said Stephen M. to the President, to be by him transmitted to the Secretary of War, in order that a commission may issue to the said Stephen M. McWilliam.

On motion, by order, the above mentioned order of the House of Assembly was read the first time.

By special order the same was read the second time, and amendments were proposed and agreed to.

*Ordered,* That the same be transcribed and sent, together with the above papers accompanying the said order, to the House of Assembly, by Mr. Cantwell.

The committee of the Council appointed to join with the committee of the House of Assembly in making an inquiry into the facts alleged in a remonstrance, addressed to the House of Assembly, complaining of undue practices at the last general election in Kent County, now delivered their report at which, by order, was read.

Mr. Stidham, a member of Assembly, was admitted to the Chair a petition from divers inhabitants of the County of New Castle, praying that measures may be taken to prevent the engrossing and forestalling, and for an amendment to the law.

The Council took into consideration the report of the

g the making an inquiry into the facts alleged addressed to the House of Assembly, com- practices at the last general election in Kent on the same was rejected ; and

e Council, for the dispatch of public business, d in the proposal of the House of Assembly nittee, to join with a committee of their hon- e subject matter of the said remonstrance, use of Assembly, without having given that ection of the said remonstrance that might

at a message be drawn up at the table and Assembly, signifying the impropriety of the n up the said business.

accordingly ; and the same, being read and ws, to wit :

the dispatch of business and in compliance id, on the twenty-fifth inst., appoint Messrs. committee, to join with a committee of your an inquiry into the facts alleged in the re- particularly to your honorable House) com- practices at the last general election in Kent cil, by the fifth section of the Constitution, ualification and election of their own mem- members of the House of Assembly ; and as dress themselves particularly to your honor- cil cannot think themselves bound thereby tion of their members.

f Council.

3, 1779. JOHN CLOWES, *Speaker*.

Polk, for the yeas and nays on the question message should be approved of by the Council ollows, viz :

. Collins, Mr. Patterson, Mr. Cantwell, Mr.

. Polk, Mr. Conwell.

Carried in the affirmative ; and thereupon

*Ordered*, That the said message be transcribed altogether with the said remonstrance and papers relative to the House of Assembly, by Mr. Patterson.

Who, being returned, reported the delivery thereof to order.

On motion, by order,

The petition against forestalling and engrossing, &c. the first time.

Adjourned till to-morrow morning at 9 o'clock.

---

FRIDAY, A. M., October 29

The Council met. Present the same members as on

Mr. Cantwell now reported the delivery of the petition submitted to him, according to the order of yesterday.

On motion, by order,

The petition against engrossing and forestalling, &c. the second time and postponed for further consideration.

Adjourned till 3 o'clock, P. M.

---

EODEM DIE

The Council met.

Mr. Bassett appeared in the Council.

Mr. Latimer, a member of Assembly, was admitted to the Chair the order for transmitting a copy of the report of Stephen McWilliam to fill one of the vacant

ment to the Board of War, &c., with the  
d thereto by the Council acceded to by the  
which was read, concurred in, and is as fol-

OF ASSEMBLY OF THE DELAWARE STATE,

"FRIDAY, P. M., October 29, 1779.

copy of the appointment of Stephen Mc-  
e of the vacant ensigncies in the Delaware  
out and delivered to the President, and that  
requested to transmit the same to the Board  
that a commission may issue to the said Ste-  
to bear date the twenty-seventh day of this

e same, with its amendments, be returned to  
bly, with the concurrence of Council thereto,

ed, reported the delivery thereof according

morrow morning, 10 o'clock.

---

SATURDAY, A. M., October 30th, 1779.

Present the same members as on yesterday.

clock, P. M.

---

EODEM DIE, P. M.

member of Assembly, was admitted and pre-  
an answer from the House of Assembly to  
Council of the 28th instant.

The same member also delivered to the Chair a resolution of the House of Assembly for the payment of the expenses of the General Assembly, and also a resolution of that House for the adjournment of the General Assembly to the Town of Newington.

On motion, by order, the answer from the House of Assembly to the Council's message of the 28th inst. was read.

On motion, by order,

The resolution for the payment of the expenses of the General Assembly was read the first time.

By special order the same was read the second time, and is as follows, viz :

" IN THE HOUSE OF ASSEMBLY

" SATURDAY, October 10, 1798

" WHEREAS the act of the General Assembly of this State, passed at Dover the twenty-sixth day of June, 1797, making provision for the reasonable expenses incurred by the General Assembly of this State, and also the Clerk of each House thereof, during the sessions of the same, and in coming thereto and returning therefrom, is now expired ; and whereas the present necessities of life will render the payment of the expenses incurred by the General Assembly at their present sessions very burthensome to the members thereof, if they are to defray the same out of their private fortunes, and also very unreasonable, unjust, and contrary to the equitable feelings of the good people of this State ; therefore

" *Resolved*, That the Speakers of the Council and of the Assembly of this State respectively be and they be empowered to draw their respective orders on the the Loan Offices of this State, or the State Treasurer, for the expenses incurred by each House at the present sessions ; and the same shall be allowed on settlement of said Treasurer's accounts in the General Assembly, or in the next Committee for that purpose to be appointed.

" Extract from the minutes.

JAS. BOON

" Sent for concurrence.

Clerk of Assembly



der,  
the House of Assembly for the adjournment  
mblly to the Town of Wilmington was read  
he same was read the second time, concurred  
viz :

“ IN THE HOUSE OF ASSEMBLY,  
“ SATURDAY, P. M., October 30, 1779.

the General Assembly of this State will meet  
ilmington, in New Castle County, on the day  
ent sessions may be adjourned, and there sit  
blic business.

e minutes.

JAS. BOOTH,

rence.

*Cl'k of Assembly.*”

. Bassett, for the yeas and nays on the ques-  
rring in the above resolution, they are as fol-

ve—Mr. Patterson, Mr. Cantwell, Mr. Con-

—Mr. Bassett, Mr. Collins.

rmative.

r. Bassett for leave of absence, the same was

der, the answer from the House of Assembly  
ssage of the 28th instant was read the second  
ws, viz :

ur message of the 28th instant, setting forth  
for the dispatch of business and in compliance  
of the House of Assembly, did, on the 25th  
essrs. Polk and Cantwell a committee to join,  
of this House, in an inquiry into the facts al-

"leged in the remonstrance complaining of undue  
 "the last general election in Kent County, by not sta  
 "steps taken by the two Houses previous to the app  
 "your members as above mentioned, impliedly, at le  
 "some degree of censure on this House, for it mus  
 "stood from your said message that the remonstranc  
 "tion to be directed particularly to the House of As  
 "not delivered to your honorable House with the pr  
 "request, as you are pleased to term it), but some ti  
 "appointment aforesaid had taken place, the contra  
 "you well know to be the fact. Your acquaintanc  
 "title or address, as well as the contents of said re  
 "might have furnished your House, in the first ins  
 "the reasons you appear at last to act upon.

"In answer to the other part of your message this  
 "only add, that they do not presume to dispute you  
 "right, under the section of the Constitution pointed  
 "message, to judge of the qualification and election o  
 "members, and to determine what obligations you a  
 "scrutinize the election of such members; but we wor  
 "that every report to a House of Representatives o  
 "considered and determined on, yet you certainly  
 "mine how binding that obligation is on your body.

"Signed by order of the House of Assembly.

"SIMON KOLLOCK,

"Dover, October 30, 1779."

And thereupon the following verbal message from  
 to the House of Assembly was sent to the House of  
 viz :

*Gentlemen :*

The Council are well disposed to give all the disp  
 public business in their power, and are sorry they find  
 constrained, from the message just now received, to  
 is their duty in future to be more particular with res  
 transacting business proposed by your House. The  
 not conceive they have time presently to give your st  
 sage of this afternoon an answer, but flatter themselv

manner satisfactory not only to themselves  
ents.

e said message and the two last preceding  
red to the House of Assembly, by Mr. Cant-  
rence of the Council to the said resolutions

orted the delivery thereof according to order.

mber of Assembly, was admitted and deliv-  
resolution of the House of Assembly empow-  
f the two Houses to draw their order on the  
favor of George Craghead, Esquire, for two  
d also the resolutions of that House for con-

order, the foregoing resolution empowering  
two Houses to draw their order on the State  
of George Craghead, Esquire, &c., was read

ne same was read the second time, concurred  
viz :

“ IN THE HOUSE OF ASSEMBLY,  
“ SATURDAY, October 30, 1779.

the Speakers of the Council and House of  
they are hereby empowered to draw their  
e Treasurer in favor of George Craghead,  
General of this State, for two thousand dol-  
said George Craghead is to be accountable  
sembly.

e minutes.

JAS. BOOTH,  
*Cl' k of Assembly.*”

ence.

der,

f the House of Assembly for continuing the  
read the first time.

By special order, the same were read the second curried in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY, October

“ WHEREAS an embargo, prohibiting the exportation of rye, flour, Indian corn, bread, beef, bacon, live stock, and other provisions, hath been laid and continued from the first of time within this State ; and whereas Congress have resolved that the same may be still further continued ; therefore

“ *Resolved*, That his Excellency, the President, be authorized to issue his proclamation continuing the same until the first of December next, strictly prohibiting the carrying out of State live stock or pork, except for the use of the army.

“ *Resolved also*, That the President be authorized and empowered to grant such permission to persons living within the State to export so much grain or flour, in bottoms belonging to the inhabitants of the same, as to him may seem expedient, provided satisfactory security be given to him that they shall be permitted to load and carry away as aforesaid do not sell the cargoes by them imported to retailers and peddlers within this State.

“ Extract from the minutes.

JAS. BOON

“ Sent for concurrence.

*Clerk of Assembly*

*Ordered*, That Mr. Conwell return the two last resolutions to the concurrence of the Council thereto respectively, to be reported to the House of Assembly.

Mr. Conwell, being returned, reported the delivery of the same according to order.

Then the following accounts, brought in for the consideration of the Council and their Clerk during their present session, were allowed, viz :

To Samuel Patterson, Esq., as per account,	No. 1, . . .
To Richard Cantwell, Esq., “ “	No. 2, . . .
To William Conwell, Esq., “ “	No. 3, . . .

*Carried over*, . . . . .

over, . . . . .	£	36	10	0
Esq., as per account, No. 4, . . .		8	5	0
Esq., " " No. 5, . . .		12	0	0
Esq., " " No. 6, . . .		10	10	0
ng, as Clerk of the Council, No. 7,		82	10	0
, as per account, No. 8, . . . .		15	15	0
, " " No. 9, . . . .		1317	8	0
		<hr/>		
		£	1482	18 0
		<hr/>		

the Speaker draw an order on the State Treas-  
 urer for the sum of £1482 : 18 : 0, in favor of French

The said order was immediately drawn and signed

The Council adjourned until Monday, the 29th day of  
 March at the Town of Wilmington.



ES OF COUNCIL.

---

ECEMBER, 1779.





# AND PROCEEDINGS

OF THE

OF THE DELAWARE STATE.

---

ED SESSION, NOV.—DEC., 1779.

---

LMINGTON, MONDAY, November 29, 1779.

the Council at the Town of Wilmington, in  
on Monday, the 29th day of November, in  
d one thousand seven hundred and seventy-  
ent, a sufficient number of the members to  
attending, the Council adjourned from day to  
the fourth day of December, 1779.

---

SATURDAY, A. M., December 4th, 1779.

Present the following members, viz :

*County*—Samuel Patterson, Peter Hyatt, Rich-

—Richard Bassett, John Baning.

*County*—The Honorable John Clowes, William

took into consideration the answer from the  
y, of the 30th of October, to a message from

the Council of the 28th of the same month, and a answer thereto was drawn up at the table, and, by Deferred for further consideration.

Adjourned till Monday morning, 10 o'clock.

---

MONDAY, December 6

The Council met. Present the same members as on except Mr. Bassett.

*Ordered*, That the minutes of this meeting be read

Which was accordingly done ; and thereupon

*Resolved*, That this Council will meet punctually at in the morning and sit till one o'clock ; that they will at three o'clock in the afternoon and sit not longer than in the evening.

Adjourned till to-morrow morning at 10 o'clock.

---

TUESDAY, A. M., December 7

The Council met. Present the same members as on and also Messrs. Polk and Collins.

Messrs. Polk and Collins, in their respective places, excuses for their non-attendance at an earlier date in t which were admitted.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

member of Assembly, was admitted and pre-  
a message from the President to the General  
sundry acts of Congress, therein referred to,  
the committee of the House of Assembly to  
age and papers were referred.

der,

message, and its inclosures, were severally  
message is in these words, viz :

*General Assembly :*

itting of the Legislature I have received the  
Congress, which merit your attention, to wit :  
enth of June last, one recommending to the  
drivers of waggons from Militia duties while  
er for ascertaining their wages ; two of the  
ly, one for regulating the Hide Department,  
better preservation of buildings and other  
g to the United States ; one of the seven-  
on the subject of further provisions for the  
twenty-first of the same month, on the sub-  
; one of the twenty-fifth of the same month,  
s on the inland trade between the States; and  
nth of September, for providing clothing for  
ikewise, a circular letter from the President  
d the ninth instant, inclosing divers acts of  
xth and seventh, for supplying the Continen-  
of which I have directed the Secretary to  
onors, for your perusal and consideration.

inform the General Assembly that since the  
law for laying an embargo, I have, with the  
vy Council and at the request of Congress,  
ime to time, the prohibition contained in the  
n order therein may be taken by the Legisla-  
deem expedient.

“Its being acknowledged that a well-regulated M  
 “posed of the substantial inhabitants, is the best se  
 “free State, and the inattention to the discharge of  
 “by great numbers of the subjects of this State, ind  
 “recommend to your Honors’ consideration such a  
 “to the Militia law as may tend to answer the good p  
 “tended by the act.

“Gentlemen—The provision heretofore made for t  
 “exercise of civil government, from the present depre  
 “of our currency, is so inadequate to the services enj  
 “that I fear, from the information given me by the C  
 “a general neglect of duty will take place, unless s  
 “provision is made. I am therefore induced to re  
 “matter so necessary to the safety and well-being  
 “to your Honors’ serious consideration.

“Dover, October 22d, 1779.

CÆSAR RO

On motion, by order,

The report of the committee of the House of Assem  
 above message and its inclosures, was read the first ti

On motion, by order,

The several reports of the Joint Committee of Publi  
 of the 29th May and 5th June, 1779, were read the s  
 and divers amendments were proposed and agreed to

*Ordered,* That the said reports, and the public ac  
 vouchers whereon the said reports were founded, with  
 cribed amendments proposed thereto by the Council,  
 Mr. Conwell, to the House of Assembly.

Mr. Conwell reported the delivery thereof according

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., December 8th, 1779.

Present the same members as on yesterday.

der,

The committee appointed to state an account of  
the State on behalf of the Continent, was read  
and agreed to.

The same be signed by the Speaker and sent to  
by Mr. Baning.

returned, reported the delivery thereof.

der,

message of the 22d October last, and its in-  
a second time, and the report of the com-  
of Assembly thereon was also read a second

Mr. Polk return the above message and its in-  
the act of Congress of the 19th November last  
(variation of prices) and the last mentioned report,  
Assembly, with the concurrence of the Council

returned, reported the delivery thereof accord-

ber of Assembly, was admitted and delivered  
all to prevent forestalling and engrossing, and  
herein mentioned."

der,

nt forestalling and engrossing, &c., was read

'clock, P. M.

EODEM D

The Council met.

By special order, the bill to prevent forestalling and ing, &c., was read the second time and referred to and Messrs. Collins and Patterson, to report thereon.

Mr. Latimer, a member of Assembly, was admitted to the Chair a resolution of that House for the of a committee to settle and adjust the State Treasurer which, by order, was read and concurred in, and is as

“ IN THE HOUSE OF ASSEMBLY

“ WEDNESDAY, A. M., December

“On motion,

“*Resolved*, That a committee of three be appointed and adjust the accounts of the State Treasurer, their report forthwith. The members appointed on this House are Mr. Vandyke and Mr. Barratt.

“ Extract from the minutes.

JAS. BOO

“ Sent for concurrence.

*Cl'k of A*

And thereupon the Council appointed, on their part to join with the said committee of the House of Assembly above purpose.

*Ordered*, That Mr. Conwell return the foregoing with the concurrence and appointment of the Council to the House of Assembly.

Mr. Conwell reported the delivery thereof according

On motion of Mr. Polk, for leave to bring in a bill of supplement to an act entitled “An act for the speedy recovery of small debts,” the same was granted, the bill for that purpose being laid on the table, was, by the first time.

Adjourned till Friday morning, 10 o'clock.

FRIDAY, A. M., December 10th, 1779.

Present all the members, except Messrs.  
and Paterson.

whom the bill to prevent forestalling and en-  
referred, now reported sundry amendments  
by order, were read and agreed to.

the same be transcribed and sent, with the said  
Assembly for concurrence, by Mr. Conwell.

'clock, P. M.

---

EODEM DIE, P. M.

reported the delivery of the papers committed  
to order.

der,

of supplement to an act entitled "An act for  
speedy recovery of small debts," was read the  
second time.

Mr. Polk wait on the House of Assembly with

the delivery thereof according to order.

member of Assembly, was admitted and deliv-  
A bill for the introducing economy in the pur-  
the Army of the United States of America,"  
was read the first time.

tomorrow morning at 10 o'clock.

SATURDAY, A. M., December 1

The Council met. Present the same members as on the 1st inst. and also Mr. Bassett.

On motion, by order,

The bill for the introducing economy in the purchases for the army, &c., was read the second time and Messrs. Bassett, Collins and Polk, to report thereon.

On motion of Mr. Hyatt, for leave of absence till Monday noon next, the same was granted to him.

Mr. Adams, a member of Assembly, was admitted to the Chair the bill to prevent forestalling and &c., with the amendments proposed thereto by the Council, was read the second time and was partially disagreed to by the House of Assembly, and amendments proposed by that House to the same bill.

Adjourned till 3 o'clock, P. M.

---

EODEM D

The Council met.

The committee to whom the bill for introducing economy in the purchasing supplies for the army, &c., was referred, reported divers amendments to the same, which, by order, were read and agreed to.

*Ordered*, That the said amendments be transcribed with the said bill, to the House of Assembly for consideration. Mr. Polk.

Who, being returned, reported the delivery thereof to order.



took into consideration such of their amend-  
prevent forestalling and engrossing, &c., as  
the House of Assembly, and rescinded their  
and proposed some amendments to the addi-  
proposed by the House of Assembly.

x, a member of Assembly, was admitted and  
the introducing economy in the purchasing  
my, &c., with the amendments proposed  
cil disagreed to in the whole by the House

Monday morning at 10 o'clock.

---

MONDAY, A. M., December 13th, 1779.

Present all the members, except Messrs.  
and Hyatt.

into consideration the amendments proposed  
for introducing economy in the purchasing  
ny, &c., and disagreed to by the House of  
some time spent thereon receded from the

e foregoing bill, and the bill to prevent fore-  
ing, &c., with their respective amendments,  
. Cantwell, to the House of Assembly, with  
ge from the Council to the House of Assem-

ceive the bills to prevent forestalling and  
other purposes therein mentioned, and for  
y in the purchasing supplies for the Army  
of America, to be very useful and important  
do not view the amendments proposed by  
by you of such consequence as to delay the  
therefore, rather than they should be delayed,

the Council recede from their proposed amendments, beg leave to observe, that with respect to their last proposed to the bill for introducing economy in the supplies, &c., they are still strongly impressed with the propriety and usefulness of the said amendment appears to them that one great design of the said bill officers under it should not make use of the public their own private emolument or advantage, and that oath of the party to that purpose they consider a strong more likely to prevent a breach of the law in that in any other thing. The Council would therefore wish the honorable House would reconsider the said amendment should appear in the same point of view to you as them, make no doubt but you will readily accede to

Signed by order of the Council,

JOHN CLOWES,

Wilmington, December 13, 1779.

Adjourned till 3 o'clock, P. M.

---

EODEM D

The Council met.

Mr. Cantwell now reported the delivery of the paper  
ted to him according to order.

Messrs. Patterson and Hyatt appeared in the Council

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, December 14th, 1779.

Present all the members, except Mr. Baning.

Bassett, for leave to bring in a bill, by way of an act for making perpetual a former act entitled "amending the laws relating to testamentary better settling intestates' estates, &c.," the said bill and a supplement for this purpose being laid on the table, in order, read the first time.

Member of Assembly, was admitted and returned a supplementary bill to the act for the more easy payment of small debts, with divers amendments proposed in the House of Assembly.

Mr. also presented to the Chair an address from the Delaware Regiment, and two addresses from the 11th and 14th instant, with a resolution of the Assembly for the payment of fifteen thousand pounds to the Clothier-General, to be by him applied in such manner as he should think proper, being allowed to the officers of the Delaware

William McKennan, a lieutenant in the Delaware Regiment, also presented to the Chair by the same resolution of the House of Assembly for the sum of two pounds eleven shillings and three pence, to be paid out of the said account.

Mr. also delivered to the Chair the following resolution of the House of Assembly, viz :

"Resolved, That the Assembly have appointed Messrs. Stidham, Messrs. and Messrs. to view and report the situation and condition of the forts and works at the fort on Christiana Creek, and to recommend the appointment of a committee of your House to enquire into that business, if your honorable House shall think it necessary."

On motion, the supplementary bill to the act for easy and speedy recovery of small debts, and the amendments proposed thereto by the House of Assembly, were read the first time.

On motion, by order, the address of the officers of the Delaware Regiment was read.

On motion, by order,

The several addresses of the Clothier-General of the Delaware Regiment, containing an estimate of the monies necessary to carry into execution the resolves of the General Assembly for clothing the officers of the Delaware Regiment, and the resolution of the House of Assembly, for the payment of fifteen thousand pounds to the Clothier-General, founded thereon, were read the first time.

By special order the said resolution was read the second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY

“ A. M., December 14th

“ *Resolved*, That an order be drawn by the Speaker of the Houses on the State Treasurer, for the sum of fifteen thousand pounds, in favor of George Craghead, Esq., Clothier of this State, to be by him applied in completing the clothing allowed to the officers of the Delaware Regiment, and plus thereof, if any, in procuring the monthly supplies to the said officers, in addition to the fourteen hundred and quarterly heretofore granted by the General Assembly for furnishing the said supplies ; the said George Craghead to be accountable for the expenditure of the said sum.

“ Extract from the minutes.

JAS. BOOTH

“ Sent for concurrence.

Cl'k of As.

On motion, by order,

The account of William McKennan was read, considered, allowed, and the resolution of the House of Assembly for the payment of the same was also read the first time.

the same was read the second time and con-  
these words, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, P. M., December 14, 1779.

William McKennan, a lieutenant in the Dela-  
was presented to the Chair, and, by order,

the Speakers of both Houses draw an order  
surer, for the sum of sixty-two pounds eleven  
pence, in favor of Lieutenant McKennan, in  
aid account.

minutes.

JAS. BOOTH,

rence.

*Cl'k of Assembly.*”

the foregoing, account, the several before-men-  
the officers of the Delaware Regiment, and  
general, and the resolutions founded thereon,  
of the Council thereto, be returned, by Mr.  
of Assembly, with the following verbal mes-  
sage, viz :

we agreed to your proposal of appointing a  
your committee, to view and report the situ-  
of the barracks and works at the fort on  
and thereupon

Messrs. Peter Hyatt and William Conwell be a  
your committee, for the purpose aforesaid.

and the delivery of the papers committed to him

tomorrow morning at 10 o'clock.

WEDNESDAY, A. M., December 15

The Council met. Present the same members as on

The Council now took into consideration the act proposed by the House of Assembly to the supplement for the more easy and speedy recovery of small debts agreed thereto.

• *Ordered*, That the said bill and its amendments be read by the House of Assembly by Mr. Collins.

Who, being returned, reported the delivery thereof to order.

On motion, by order,

The supplementary bill for making perpetual a form titled "An act for the amending the laws relating to trade and commerce," was read the second time.

By special order the same was read a third time by Mr. Bassett, debated, and agreed to.

*Ordered*, That the same be transcribed and sent to the House of Assembly by Mr. Bassett.

The supplementary bill for the more easy and speedy recovery of small debts was returned by the Clerk of the House of Assembly. *Ordered* to be engrossed.

Adjourned till 3 o'clock, P. M.

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EODEM DIE

The Council met.

Mr. Banning appeared in the Council and took his seat.

Mr. Bassett now reported the delivery of the papers to him, according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., December 16, 1779.

Present all the members.

Order,  
to an act entitled "An act for the more easy  
y of small debts," being engrossed, was read

Mr. Bassett for leave of absence until Monday  
granted to him.

5'clock, P. M.

---

EODEM DIE, P. M.

member of Assembly, was admitted and delivered  
the report of the joint committee of June 5th,  
amendments proposed thereto by the Council, dis-  
cussed by the House of Assembly.

He also delivered the report of the joint com-  
mittee of May, 1779, with the amendments proposed by  
the Council to the whole by the House of Assembly.

He also delivered a petition from Geo. Adams,  
an inhabitant of that part of Sussex County  
removed to Maryland, and praying leave to bring  
before the Assembly in extending to his particular case an act of  
the Delaware State authorizing the removal of all  
the courts of law in Maryland into the courts  
&c., with a bill for amending an act entitled  
"An act to the act entitled 'An act for the more

effectual ascertaining and fixing the limits of the sever  
within this Government, &c.,” and the following m

“A MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE

“*Gentlemen* :

“The House of Assembly have taken into c  
“your amendments proposed to the report of the Jo  
“tee of Accounts of the fifth day of June, 1779, and  
“to discover the reasons which induced your hono  
“to propose the first, unless the difference between  
“therein and the sum in the voucher, being six po  
“teen shillings and five pence, should have caused s  
“ment ; if so, it is equal to that difference. But th  
“informed by their committee that the committee re  
“faction thereon from Mr. Carty, who attended them  
“of examination.

“As to the second amendment—this House are  
“was the intention of the Assembly, at the time of  
“account, to allow Mr. Watson equal for his servi  
“lowance made in like cases to the Sheriffs of Ke  
“Castle Counties, and also are of opinion that that  
“instance, been done.

“No answer is necessary to your third amendmen  
“to observe that it is consequent on the other two.

“Signed by order of the House of Assembly.

“SIMON KOLLOCK,

“Wilmington, December 15, 1779.”

The Council now reconsidered the amendments p  
them to the report of the Joint Committee of Acco  
5th of June, 1779, and disagreed to by the House o  
and after some time spent thereon receded from their  
ments.

*Ordered*, That the said report and amendments be  
the House of Assembly by Mr. Cantwell.\*

Who reported the delivery thereof according to or



der,

George Adams, and the bill for amending an elementary act to the act entitled 'An act for ascertaining and fixing the limits of the several Counties within this Government, &c.,' were severally read the

the same were read the second time and re-  
 lins and Polk, to report thereon.

morrow morning at 10 o'clock.

---

FRIDAY, A. M., December 17th, 1779.

Present all the members, except Mr. Bassett.

Member of Assembly, was admitted and laid  
 the sum of £134 : 1 : 4, being the two-thirds  
 of Joseph Gregg by Daniel Cloud, which, by  
 decree by the said debtor to the administratrix  
 of Gregg and her refusal thereof, became for-  
 feitable to an act of General Assembly,  
 February, 1777, for establishing the Bills of  
 Exchange, &c., with a certificate of the commis-  
 sion to the said administratrix, the deposition  
 proving the tender and refusal aforesaid, and a  
 vote of Assembly for the payment of the said  
 Treasury by the County Treasurer.

der, the above papers were read the first time.

the same were read the second time and re-  
 lins and Patterson, to report thereon.

whom the petition of George Adams and the  
 act entitled "A supplementary act to the act  
 for the more effectual ascertaining and fixing the  
 limits of the Counties within this Government, &c.,"  
 reported that they had examined and con-

sidered the said petition and bill, and had agreed to t  
which said report was approved of, and the bill passe  
cil.

*Ordered*, That Mr. Polk return the said petition and  
House of Assembly.

Mr. Polk reported the delivery thereof according t  
Adjourned till 3 o'clock, P. M.

---

EODEM D

The Council met.

On motion of Mr. Polk, for leave to bring in a  
effectually to prevent non-jurors and other disquali  
from voting at any election within this State, and fo  
poses therein mentioned," the same was granted, a  
this purpose being laid on the table, was, by order, r  
time.

By special order, the same was read the second t  
ferred to Messrs. Hyatt, Collins and Patterson, to rep

Adjourned till to-morrow morning at 10 o'clock.

---

SATURDAY, A. M., December 1

The Council met. Present the same members as o

The committee to whom the resolution of the H  
sembly for the payment of one hundred and thirty-  
one shilling and four pence (and the papers attendin  
into the State Treasury, was referred, now reported t  
examined and considered the above mentioned pape  
satisfied as to the legality of the tender made by the

and resolution was concurred in by the Council,  
viz :

“ IN THE HOUSE OF ASSEMBLY,

“ THURSDAY, P. M., December 16, 1779.

, Esq., Treasurer of New Castle County, laid  
se one hundred and thirty-four pounds one  
r pence, being the two-thirds part of a debt  
Gregg by Daniel Cloud, and tendered by the  
the administratrix of the said Joseph Gregg,  
fusal thereof, became forfeited to the State,  
act of General Assembly, passed the 22d day  
77, for establishing the Bills of Credit issued  
.

at the said Treasurer be directed to pay the  
to the hands of the State Treasurer.

the minutes.

JAS. BOOTH,

urrence.

*Cl'k of Assembly.*”

Mr. Cantwell return the foregoing resolution,  
the Council, with the money and papers accom-  
to the House of Assembly.

ported the delivery of the above according to

o'clock, P. M.

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EODEM DIE, P. M.

et and adjourned till Monday morning at 10

MONDAY, A. M., December 20

The Council met. Present the same members as on last.

Some of the members attending on committees, the Council adjourned till three o'clock, P. M.

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EODEM DIE

The Council met.

The committee to whom the bill to prevent non-qualified persons from voting at an election in the State, now requested a further time to consider and report on, which was granted.

Mr. Peery, a member of Assembly, was admitted to the Chair a bill for raising one million three hundred thousand dollars in the Delaware State, between the first day of February and the first day of October in the year one thousand seven hundred and eighty, and for other purposes therein mentioned, which, by order, was read the first time.

Mr. West, a member of Assembly, was admitted to the Chair a resolution of the House of Assembly relating to persons to be balloted for as Delegates to the Convention and also as Purchasers for the Army of the United States, which, by order, was read the first time.

On motion, by order,

The bill for raising one million three hundred and thousand dollars, &c., was read the second time and referred to the Speaker and Messrs. Collins and Cantwell, to report thereon.

On motion, by order,

The resolution for nominating persons to be balloted for as Delegates to Congress, &c., was read a second time, and an amendment was proposed and agreed to.

*Ordered*, That the same be transcribed and sent to the House of Assembly for their concurrence, by Mr. Polk, together with the foregoing resolution.

Mr. Polk, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

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TUESDAY, A. M., December 21, 1779.

The Council met. Present the same members as on yesterday.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a resolution for the appointment of committees for settling the accounts of the several General Loan Offices.

The same member also delivered the resolution for nominating persons to be balloted for as Delegates to the Congress, &c., with the amendment proposed thereto by the Council rejected by the House of Assembly, and an amendment proposed by that House to the said resolution.

The committee appointed on the part of the Council to view and report the situation of the barracks and works at the fort on Christiana Creek, now delivered their report at the table, which, by order, was read the first time.

The Council now took into consideration the amendment proposed by them to the resolution for nominating persons to be balloted for as Delegates to Congress, &c., and rejected by the House of Assembly, and also the amendment proposed by that House to the said resolution, and thereupon the Council receded from their own amendment, and agreed to the amendment proposed by the House of Assembly.

*Ordered*, That Mr. Hyatt return the said resolution and its amendments to the House of Assembly.

Mr. Hyatt, being returned, reported the delivery thereof according to order.

On motion, by order,

The resolutions of the House of Assembly for the appointment of committees for settling the accounts of the several General Loan Offices were read the first time.

By special order the same were read the second time and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY, December 20th, 1779.

“ WHEREAS the committees heretofore appointed to settle and  
“ adjust the accounts of the General Loan Offices for the Counties of New Castle and Kent have not proceeded in that business ; therefore

“ *Resolved*, That a committee of three persons in each of the  
“ said Counties be appointed to settle and adjust the accounts  
“ of the said offices in the Counties aforesaid respectively, who  
“ are hereby directed to settle and adjust the said accounts from  
“ the time of the settlement made by Messrs. McKinly, Read,  
“ Killen, Haslet, and Robinson, a committee of Assembly for  
“ the purpose, and make report thereof to the General Assembly  
“ this State at their next meeting.

“ AND WHEREAS the late committee appointed for the like service in the County of Sussex have not proceeded therein,

“ *Resolved*, That a committee of three be appointed to settle  
“ and adjust the accounts of the General Loan Office for the said  
“ County of Sussex.

“ The members chosen, on the part of this House, are, for  
“ New Castle County, John Clark and Robert Bryan, Esquires ;  
“ for Kent County, Philip Barratt and John Cook, Esquires ; and  
“ for the County of Sussex, Simon Kollock and Joseph Hall, Esquires.

“ *Resolved*, That the committees respectively be directed to

"report the sums of money in specie and paper which are in the said offices.

"Extract from the minutes.

JAS. BOOTH,

"Sent for concurrence.

*Cl'k of Assembly."*

And thereupon the Council, on their part, have nominated the following persons to join the committee of the House of Assembly, to wit: For New Castle County, John Thompson, Esq.; for Kent County, John Baning, Esq.; and for the County of Sussex, John Clowes, Esq.

JOHN CLOWES, *Speaker*.

*Ordered*, That Mr. Baning return the said resolution, with the concurrence and appointment of the Council thereto, to the House of Assembly.

Mr. Latimer, a member of Assembly, waited on the Council and informed them that the House of Assembly were ready to receive them and proceed to put in nomination persons to be balloted for as Delegates to Congress and Purchasers for the Army within this State, according to the order of the day.

The Council then met the House of Assembly, in the Assembly Room, and then and there put in nomination for the said offices divers persons, whose names were taken down for the consideration of the members of both Houses.

On motion,

*Resolved*, That the General Assembly now separate, and meet again, in the Assembly Room, to-morrow morning at 10 o'clock, to ballot for the officers aforesaid.

Then the Council withdrew, and adjourned till three o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning now reported the delivery of the papers committed to him, according to order.

The committee appointed to report on the bill for raising one million three hundred and sixty thousand dollars, now reported divers amendments to the said bill, which, by order, were read, agreed to, and ordered to be transcribed.

*Ordered*, That Mr. Patterson return the said bill and transcribed amendments to the House of Assembly for concurrence.

Mr. Patterson reported the delivery according to order.

The committee to whom the bill to prevent non-jurors and other disqualified persons from voting at any election within this State, was referred, having considered the same, now reported it as their opinion that the said bill should be rejected, and further prayed leave to bring in a new bill, in lieu thereof, which was granted; whereupon a bill entitled "An act for the better securing elections within this State," was laid on the table.

On motion, by order, the said bill was read the first time.

By special order, the same was read the second time and deferred for consideration.

Adjourned till to-morrow morning at 10 o'clock.



WEDNESDAY, A. M., December 22d, 1779.

The Council met. Present the same members as on yesterday.

Mr. Houston, a member of Assembly, was admitted and presented to the Chair an account of Charles Ridgely, Esq., of cash paid for wood and house rent for eight Continental soldiers under the command of Lieutenant Skillington, amounting to forty-five pounds ; which, by order, was read and allowed.

*Ordered*, That Mr. Baning return the said account to the House of Assembly.

Who, upon his return, reported the delivery thereof according to order.

Mr. Latimer, a member of Assembly, waited on the Council and informed them that the House of Assembly were ready to receive the Council and proceed to the balloting for persons as Delegates to Congress and Purchasers for the Army within this State, agreeable to the order of the day.

Then the Council met the House of Assembly, in the Assembly Room, and proceeded to ballot for the officers aforesaid out of the persons before put into nomination, and upon examining the box containing the ballots it appeared that John Dickinson, Nicholas Vandyke, and George Read, Esquires, were declared duly elected Delegates from this State to the Congress of the United States for the ensuing year ; and Thomas Duff, Esq., was declared duly elected Purchaser for the Army of the said United States for and in the County of New Castle ; John Cook, Esq., was declared duly elected Purchaser for the said Army for and in the County of Kent ; and Simon Kollock, Esq., was declared duly elected Purchaser for the said Army for and in the County of Sussex.

Then both Houses separated, and the Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Bassett attended, and made his excuse for his non-attendance at an earlier day, which was admitted.

Mr. Young, a member of Assembly, was admitted and delivered to the Chair a supplementary act to the Militia act ; which, by order, was read the first time.

Mr. John Clark, a member of Assembly, was admitted and delivered to the Chair a bill for the appointment of Trustees of the several General Loan Offices.

On motion, by order, the said bill was read the first time.

On motion, by order,

The supplementary bill to the Militia act was read a second time and referred to Messrs. Bassett, Polk and Collins, to report thereon.

On motion, by order,

The bill for the appointment of Trustees of the several General Loan Offices was read the second time and referred to Messrs. Cantwell, Patterson and Conwell, to report thereon.

Adjourned till to-morrow morning at 10 o'clock.

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THURSDAY, A. M., December 23, 1779.

The Council met. Present the same members as on yesterday.

The committee to whom the bill for the appointment of Trustees of the several General Loan Offices was referred, now reported an amendment to the same ; which was read and agreed to.

*Ordered*, That Mr. Conwell wait on the House of Assembly with the said bill and transcribed amendments.

Who, being returned, reported the delivery thereof according to order.

The committee to whom was referred the supplementary bill to the Militia act, now reported some amendments to the same; which, by order, were read, agreed to, and ordered to be transcribed.

*Ordered*, That the said bill and amendments be sent for concurrence to the House of Assembly, by Mr. Baning.

Who reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met. Present the same members, except Mr. Bassett.

On motion, by order,

The report of the committee of Council appointed to view and report the situation of the barracks and works on Christiana Creek, in conjunction with a committee of the House of Assembly, was read a second time and adopted, and is as follows, viz :

The committee which was appointed to join the committee of the House of Assembly to view the guard house, magazine and works on Christiana Creek, near the Borough of Wilmington, now report that they had viewed the same, and are of opinion there is not any necessity for keeping them in repair; therefore recommend that, as the barracks and wood part of the magazine are useless and going to ruin, they ought to be sold for the benefit of the State.

On motion,

*Resolved*, That Mr. Joseph Stidham be and he is hereby empowered to make public sale of the wood part of said works, and

that he make return of his proceedings in the premises to the General Assembly at their next meeting.

*Ordered*, That Mr. Cantwell deliver the foregoing report and resolution to the House of Assembly for concurrence.

Mr. Cantwell reported the delivery thereof according to order.

Mr. Bryan, a member of Assembly, was admitted and delivered to the Chair the bill for the appointment of Trustees of the General Loan Offices, with the amendments proposed thereto by the Council acceded to by the House of Assembly, and a proposition of that House for filling up the blanks for the Trustees' names in the said bill.

The same member also delivered a letter from the President of Congress to the President of this State, of the 22d November, inclosing an act of Congress of the 19th of the same month, recommending to the several States to enact laws for establishing a general limitation of prices throughout their respective jurisdictions; the proceedings of the convention of New Hampshire, Massachusetts Bay, &c.; and a letter from the President of the said convention to the President of this State on the same subject, with a resolution of the House of Assembly for the appointment of Commissioners to attend a convention at Philadelphia for the purposes mentioned in the said resolution of Congress.

The same member also delivered to the Chair a bill to prohibit the exportation of provisions from this State.

The same member also delivered the resolution of the House of Assembly empowering the Speakers of both Houses to draw an order for the payment of the Militia.

The same member also delivered a resolution of the House of Assembly for the payment of the monies which have arisen from the sale of forfeited estates into the State Treasury.

The same member also delivered a resolution of the House of Assembly for appointing an Auditor General of Accounts.

On motion, by order,

The foregoing letters, the act of Congress, and the proceedings of the convention of Massachusetts Bay respecting a general limitation of prices, were read.

On motion, by order,

The resolution for the appointment of Commissioners to attend a convention in Philadelphia in order to consider on the expediency of a general limitation of prices, was read the first time.

By special order, the same was read the second time and deferred for consideration until to-morrow morning.

On motion, by order,

The proposition for filling up the blanks in the bill for the appointment of Trustees of the General Loan Offices, was read the first time.

On motion, by order,

The resolution empowering the Speakers of both Houses to draw orders for the payment of the Militia, was read the first time.

By special order, the foregoing resolution was read a second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ THURSDAY, A. M., December 23d, 1779.

“ On motion,

“ *Resolved*, That the Speakers of both Houses of the General Assembly draw an order on the Trustee of the General Loan Office for the County of Sussex, in favor of John Clowes, of the said county, Esq., for the sum of one thousand two hundred pounds, out of any public monies in the said office, except principal money emitted to be let out on loan, to be applied by the said John Clowes in discharging a balance due to the Militia of the said County of Sussex; the said John Clowes to be accountable for the expenditure thereof, and to render an account of his proceedings in the premises to the General Assembly at their next meeting.

“ That the Speakers of both Houses also draw an order on the State Treasurer, for the sum of three thousand six hundred pounds, in favor of Philip Barratt, of the County of Kent, Esq., to be by him applied in discharging the debts heretofore agreed by the General Assembly due to the Militia of the said County

“of Kent ; the said Philip Barratt to be accountable for the expenditure thereof, and to render an account of his proceedings in the premises to the General Assembly at their next meeting.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

*Cl'k of Assembly.*”

On motion, by order,

The resolution for the payment of the monies arising from the sale of forfeited estates into the State Treasury, was read the first time.

By special order, the same was read a second time and deferred for consideration until to-morrow morning.

On motion, by order,

The resolution for the appointment of an Auditor General of Accounts, was read the first time.

By special order, the same was read the second time and deferred for consideration until to-morrow morning.

On motion, by order,

The bill to prohibit the exportation of provisions, was read the first time.

By special order, the same was read the second time and referred to Messrs. Collins, Polk and Patterson, to report thereon to-morrow morning.

Adjourned till to-morrow morning.

FRIDAY, A. M., December 24th, 1779.

The Council met. Present all the members.

The Council took into consideration the resolution for the payment of the monies arising from the sale of forfeited estates into the State Treasury, and an amendment was proposed and agreed to.

*Ordered*, That Mr. Conwell return the said resolution and amendment to the House of Assembly for concurrence, with the resolution empowering the Speakers to draw orders for the payment of the Militia concurred in by the Council.

Mr. Conwell reported the delivery thereof according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of that House directing the Speakers of both Houses to inform the persons chosen Delegates from this State to Congress of their appointment, and request their answer as to their acceptance of the said appointment.

On motion, by order, the foregoing resolution was read the first time.

By special order, the same was read a second time and concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,  
“ FRIDAY, A. M., December 24th, 1779.

“ On motion,

“ *Resolved*, That the Speakers of the Council and House of Assembly be requested to give information to Messrs. Dickinson and Read of their appointment, by the General Assembly, “ to represent this State as Delegates in the Congress of the “ United States of America, and request their answer.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

*Cl'k of Assembly.*”

*Ordered*, That Mr. Patterson return the foregoing resolution, concurred in by the Council, to the House of Assembly.

Mr. Patterson, being returned, reported the delivery thereof according to order.

Mr. Cook, a member of Assembly, was admitted and delivered the resolution for the payment of the monies arising from the sale of forfeited estates, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly; and the said resolution, as amended, was read and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ WEDNESDAY, A. M., December 22, 1779.

“ On motion,

“ *Resolved*, That the Commissioners of Forfeited Estates be directed forthwith to pay into the hands of Samuel Patterson, Esq., the Treasurer of this State, the balance of the money which has arisen by the sale of those estates by them made, after deducting their commissions and the sums ordered by the Justices of the Courts of Quarter Sessions for the maintenance and support of the wives and children of the persons who have forfeited the same, and the debts against said estates, if any; and that the said commissioners be directed to attend the General Assembly, at their next meeting, to render an account of their proceedings in the premises.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

*Cl'k of Assembly.*”

*Ordered*, That Mr. Baning deliver the same to the House of Assembly, with the concurrence of the Council thereto.

Mr. Baning reported the delivery thereof according to order.

The Council took into consideration the resolution respecting the appointment of an Auditor General of Accounts, and an amendment was proposed and agreed to.

*Ordered*, That the same be transcribed and sent, with the said resolution, to the House of Assembly, for concurrence, by Mr. Hyatt.



Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The proposition for filling up the blanks in the bill for the appointment of Trustees of the several Loan Offices was read a second time, and Mr. Bassett moved that the name of John Rodney, Esq., of the County of Sussex, should be inserted in the stead of David Hall, Esq.; and the same being seconded, the question was put and carried in the negative.

Mr. Collins then required the yeas and nays on the above question. They are as follows, viz :

*For the question*—Mr. Collins, Mr. Bassett, Mr. Patterson, Mr. Baning.

*Against the question*—Mr. Polk, Mr. Conwell, Mr. Cantwell, Mr. Hyatt.

The Council being divided, the Speaker gave the casting voice.

*Ordered*, That Mr. Polk return the foregoing bill and proposition, agreed to by the Council, to the House of Assembly.

Mr. Polk, being returned, reported the delivery of the foregoing papers according to order.

Adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met.

The committee to whom the bill to prohibit the exportation of provisions was referred, now reported sundry amendments to the same; which, by order, were read, considered, and debated, and the same not being agreed to, the said bill was recommitted to the same committee, with the addition of Mr. Bassett.

The Council now took into consideration the resolutions of the

House of Assembly for the appointment of Commissioners to attend a convention in Philadelphia to deliberate on the expediency of a general limitation of prices throughout the jurisdiction of the respective States, and proposed some amendments thereto; which were read, agreed to, and ordered to be transcribed.

*Ordered*, That the said resolutions and proposed amendments be sent for concurrence to the House of Assembly, by Mr. Collins.

Who, being returned, reported the delivery thereof according to order.

Mr. Collings, a member of Assembly, was admitted and presented to the Chair a letter addressed from George Read, Esq., declining his acceptance of his appointment as one of the Delegates from this State to Congress; and also the letter of resignation of George Craghead, Esq., of his appointment of Commissary-General of Prisoners for this State, with resolutions of the House of Assembly for nominating persons to be balloted for to supply the places of George Read, Esq., as a Delegate from this State to Congress, and of George Craghead, Esq., as Commissary-General of Prisoners for this State.

Mr. Stidham, a member of Assembly, was admitted and delivered to the Chair a bill for amending the laws for establishing fees.

On motion, by order, the foregoing letter from George Read, Esq., and the resignation of George Craghead, Esq., were severally read.

On motion, by order,

The resolutions for nominating persons to be balloted for as a Delegate to represent this State in Congress in the room of George Read, Esq., and a Commissary-General of Prisoners in the room of George Craghead, Esq., were read the first time.

By special order, the same were read a second time and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY, 24th Feb., P. M., 1779.

“ On motion,

“ *Resolved*, That the General Assembly meet this evening at

"seven o'clock, in the Assembly Room, for the purpose of nominating persons to be balloted for as a Delegate to represent this State in Congress in the place of George Read, Esq., who has declined to serve.

"On motion,

"*Resolved*, That the resignation of George Craghead, Esq., of the appointment of Commissary-General of Prisoners for this State, signified to the General Assembly by his letter of the twentieth of October last, be accepted, and that proper persons be nominated at the time aforesaid to be balloted for to supply his place.

"Extract from the minutes.

GEO. LATIMER,

"Sent for concurrence.

*Cl'k pro temp.*"

*Ordered*, That Mr. Polk return to the House of Assembly the foregoing resolutions, concurred in by the Council, with the letters addressed from George Read and George Craghead, Esquires.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for the amending the laws for establishing fees was read the first time.

Mr. Latimer, a member of Assembly, was admitted and informed the Council that the House of Assembly were ready to receive them to put in nomination persons to represent this State in Congress in the room of George Read, Esq., who hath declined to serve, and also for a Commissary-General of Prisoners in the room of George Craghead, Esq., who hath resigned his appointment.

The Council now met the House of Assembly, in the Assembly Room, to put in nomination persons for each of the said offices, when one person only for each of the said appointments was put in nomination.

On motion,

*Resolved*, That as but one person for each of the said appointments is put in nomination, the General Assembly proceed to ballot for the same forthwith.

The General Assembly then proceeded to ballot for officers, and the box containing the ballots being opened in the presence of the members, it appeared that the Thomas McKean, Esquire, was declared unanimously Delegate from this State to Congress in the room of John Read, Esq., who hath declined to serve; and that Matthew Fisher was declared unanimously elected Commissary-General of Prisoners for this State in the place of George Cragh, who hath resigned.

On motion,

*Resolved*, That the two Houses now separate.

Then the Council withdrew.

On motion, by order,

The bill for the amending the laws for establishing a militia was read a second time and referred to the Speaker and Messrs. Pett and Patterson, to report thereon to-morrow morning.

The Council now took into consideration their message in answer to an answer from the House of Assembly on the 10th of October last to a message from the Council of the State of the said month, and the same was agreed to.

Adjourned till to-morrow morning at 10 o'clock.

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SATURDAY, A. M., December 25

The Council met. Present the same members as on the 24th.

Mr. Clark, a member of Assembly, was admitted and presented to the Chair the resolutions of the House of Assembly for the appointment of Commissioners to attend a convention at Philadelphia for fixing a general limitation of prices, and the resolutions for the appointment of William Killen, Esq., Auditor of Accounts, with the amendments to the said resolutions, and the same were agreed to by the House of Assembly.

On motion, by order, the foregoing resolutions were severally read, as amended, and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,  
“ TUESDAY, P. M., December 21, 1779.

“ On motion,

“ *Resolved*, That Commissioners be appointed on the part of  
“ this State, by a joint resolution of the General Assembly  
“ thereof, to meet Commissioners from the States of New Hamp-  
“ shire, Massachusetts Bay, Rhode Island, Connecticut, New  
“ York, New Jersey, Pennsylvania, Maryland and Virginia, in  
“ convention at Philadelphia on the first Wednesday of January  
“ next, then and there to unite with them in considering the ex-  
“ pediency of limiting the prices of merchandise, produce and  
“ labor ; and if the said convention judge such a measure neces-  
“ sary, to proceed with them to limit the prices of the said arti-  
“ cles in such manner as shall be best adapted to the situation  
“ and circumstances of the several States ; and that they make  
“ report of the proceedings of the said convention to the Legis-  
“ lature of this State at their next meeting.

“ That the Delegates from this State to Congress and George  
“ Latimer, of the County of New Castle, Esq., or any two of  
“ them, be and are hereby appointed Commissioners on the part  
“ of this State for the purposes aforesaid.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

*Cl'k of Assembly.*”

“ IN THE HOUSE OF ASSEMBLY,  
“ THURSDAY, P. M., December 23, 1779.

“ WHEREAS the present mode of stating and settling the  
“ accounts which arise against this State and the accounts be-  
“ tween this State and the United States of America, is found to  
“ be very inconvenient and expensive ; therefore

“ *Resolved*, That William Killen, of Kent County, Esq., be  
“ and hereby is appointed for the purpose aforesaid, to whom all  
“ the accounts aforesaid are hereafter to be delivered, with their  
“ vouchers, which are to be by him properly stated and laid be-  
“ fore the General Assembly at their next or some other subse-

“quent meeting, for their consideration and inspection  
 “shall, for his trouble in doing and performing the  
 “tioned service, be allowed the sum of one thousand

“ Extract from the minutes.

JAS. BOO

“ Sent for concurrence.

*Cl'k of A*

The committee to whom was referred the bill for fees, now reported sundry amendments thereto; which were read the first time.

By special order, the same were read the second time, and ordered to be transcribed.

Adjourned till 3 o'clock, P. M.

EODEM D

The Council met.

*Ordered*, That Mr. Baning return to the House of Representatives the foregoing bill for establishing fees, with the amendments proposed thereto by the Council.

Mr. Baning reported the delivery thereof according to order.

The committee to whom the bill to prohibit the exportation of provisions was referred, now made their report thereon, and said bill should be rejected, and brought in another bill for the same purpose aforesaid; which, by order, was read the first time.

By special order, the same was read the second time.

The same was read a third time by paragraphs, and ordered to be transcribed.

Mr. Peery, a member of Assembly, was admitted to the Chair the bill for amending the laws for the collection of fees, &c., with the amendments proposed thereto by the Council, disagreed to in part and in part agreed to, together with a memorial paper of amendments proposed by the House of Representatives to the said bill.

*Ordered*, That Mr. Cantwell wait on the House of Assembly with the bill to prohibit the exportation of provisions, as rejected by the Council, and another bill proposed in lieu thereof by the Council; the resolutions of the House of Assembly for the appointment of Commissioners to attend a convention in Philadelphia for fixing a general limitation of prices, and also the resolution for the appointment of an Auditor General, with the concurrence of the Council respectively thereto.

Mr. Cantwell, being returned, reported the delivery thereof according to order.

On motion, the Council took into consideration the amendments proposed by them to the bill for the amending the laws for establishing fees, and the additional paper of amendments proposed to the same bill by the House of Assembly, and the same being considered and debated, the Council adhered to their amendments, and agreed that a message, stating the reasons of their adherence, should be sent to the House of Assembly; whereupon the following was accordingly drawn up at the table, read, and ordered to be transcribed, viz :

*Gentlemen :*

The Council adhere to their amendments proposed to the bill for amending the laws for establishing fees, and of course reject your additional amendments, and are extremely sorry they find themselves constrained so to do. The reasons inducing the Council to adhere to their amendments, among many others that might be advanced, are, that they conceive, whenever it is thought necessary by the Legislature to increase officers' fees, that it ought to be general and not partial, which, they apprehend, would be the case were they to recede from their amendments proposed and give a passage to the bill. The Council are fully convinced of the necessity of such a bill, and therefore would willingly give up any matter, rather than that it should be lost, that was consistent with their idea of justice. But they humbly conceive it would argue partiality in them, at the same time they are providing for other officers of less consequence not to provide for the officers filling the several Courts of Common Pleas and Orphans' Courts in this State, when, in their opinion, those officers are as necessary, and those courts rather of more consequence than any others in the State. We could wish your

honorable House would reconsider the amendment and if the same idea should impress your minds that upon this subject, they make no doubt but you will return to their amendments.

Signed by order of the Council,

JOHN CLOWES,

Wilmington, December 25, 1779.

*Ordered*, That Mr. Collins return the foregoing amendments to the House of Assembly, with the foregoing message.

Mr. Collins, being returned, reported the delivery of the papers according to order.

*Ordered*, That Mr. Polk deliver to the House of Assembly the bill for the more easy and speedy recovery of small debts.

Mr. Polk reported the delivery thereof according to order.

Mr. Adams, a member of Assembly, was admitted to the Chair and turned the bill for prohibiting the exportation of produce from this State, as proposed by the House of Assembly and amended by the Council, with the bill offered by the Council in relation to and a paper of amendments proposed by the House of Assembly to the last mentioned bill; which amendments were agreed to.

*Ordered*, That the said bills and their amendments be sent to the House of Assembly by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

Mr. Peery, a member of Assembly, was admitted to the Chair the bill to prohibit the exportation of produce from this State, in order to be engrossed.

*Ordered* to be engrossed.

*Ordered*, That Mr. Bassett wait on the House of Assembly with the message from the Council, by way of answer to the resolution of the House of Assembly of the 30th of October.



turned, reported the delivery thereof according

member of Assembly, was admitted and delivered at eleven o'clock this evening, a resolution of the Council of their intention to adjourn this day with the following verbal message, viz :

Assembly have maturely considered your message and amendments proposed to the bill to amend the State for establishing the salaries and fees of the Council and cannot accede to the said amendments ; being convinced of the necessity of such a law, are of opinion the same as it now stands, and request to know your honorable House on the said bill in its presence.

December 25, 1779."

order, the resolution for the adjournment to be read the first time.

to prohibit the exportation of provisions from this State, engrossed, was read and compared, and ordered by Mr. Bassett, to the House of Assembly, in the name of the Speaker thereof.

reported the delivery thereof according to order.

order,  
the House of Assembly for the adjournment to be read the second time.

Mr. Bassett deliver to the House of Assembly a copy of the laws for establishing fees, and its amendments, with the following verbal message, viz :

have given you their reasons for not receding from the amendments to the bill for amending the laws for fees, which they think are cogent; and while of that opinion, you may rely they never will pass amendments.

December 25, 1779.

Mr. Bassett, being returned, reported the delivery of the bill committed to him according to order.

Adjourned till Monday morning at 10 o'clock.

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MONDAY, A. M., December 2

The Council met. Present all the members, except one person.

Mr. John Clark, a member of Assembly, was called to the Chair and delivered to the Chair the bill for introducing economy in purchasing supplies for the Army of the United States, and a number of amendments proposed thereto.

The same member also delivered a resolution of the Council affixing the Great Seal of this State to seven laws, passed in November, 1779, with the laws therein mentioned.

The Council took into consideration the act of Congress of the nineteenth of November, 1779, respecting a general regulation of prices, and thereupon came to the following resolution thereon, viz :

‘WHEREAS by an act of Congress of the nineteenth of November it is, among other things, declared that it is the duty of the Legislature of this State, as they have neglected to pass laws for the limitation of prices in the several matters and things therein mentioned, that the prices of such commodities should not exceed twenty fold of the prices current throughout the seasons of the year 1774, in order that such State should neglect or refuse should respectively be charged in their accounts with the aggregate amount of the difference between the prices paid from and after the said first day of February, 1775, in the several States and those in which such laws should have been passed, thereupon

*Resolved*, That the said act of Congress above mentioned be considered, by the Legislature of this State, to be consistent with the rights and liberties of the people, and with the freedom and independency thereof.

That the Delegates be instructed by the General Assembly as soon as possible to procure a repeal of the act of Congress, and that their instructions be as follows,

That the Delegates of this State humbly conceive the act of Congress of the nineteenth day of November, respecting the difference between the aggregate amount of the difference between the above twenty fold from and after the first day of January, to be an infringement on the rights of the people, and to be an infringement on the rights of the people with the freedom and independence thereof; and they are hereby requested to endeavor to procure a repeal of the said act of Congress as soon as possible.

That the above resolutions be transcribed and sent to the House of Assembly, together with the copy of the act of Congress of the 19th November, and the copy of the resolution of Congress to the President of this State.

That the member of Assembly, was admitted and delivered to that House for the appointment of a committee on the subject matter of the amendments to the bill for establishing fees; which, by order, was passed, and follows in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,  
“ MONDAY, A. M., December 27, 1779.

That it be proposed to the Council to appoint a committee of their body to confer with a committee of this House on the subject matter of the amendments of the 2d, 6th, 7th, 10th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102nd, 103rd, 104th, 105th, 106th, 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th, 115th, 116th, 117th, 118th, 119th, 120th, 121st, 122nd, 123rd, 124th, 125th, 126th, 127th, 128th, 129th, 130th, 131st, 132nd, 133rd, 134th, 135th, 136th, 137th, 138th, 139th, 140th, 141st, 142nd, 143rd, 144th, 145th, 146th, 147th, 148th, 149th, 150th, 151st, 152nd, 153rd, 154th, 155th, 156th, 157th, 158th, 159th, 160th, 161st, 162nd, 163rd, 164th, 165th, 166th, 167th, 168th, 169th, 170th, 171st, 172nd, 173rd, 174th, 175th, 176th, 177th, 178th, 179th, 180th, 181st, 182nd, 183rd, 184th, 185th, 186th, 187th, 188th, 189th, 190th, 191st, 192nd, 193rd, 194th, 195th, 196th, 197th, 198th, 199th, 200th, 201st, 202nd, 203rd, 204th, 205th, 206th, 207th, 208th, 209th, 210th, 211st, 212nd, 213th, 214th, 215th, 216th, 217th, 218th, 219th, 220th, 221st, 222nd, 223rd, 224th, 225th, 226th, 227th, 228th, 229th, 230th, 231st, 232nd, 233rd, 234th, 235th, 236th, 237th, 238th, 239th, 240th, 241st, 242nd, 243rd, 244th, 245th, 246th, 247th, 248th, 249th, 250th, 251st, 252nd, 253rd, 254th, 255th, 256th, 257th, 258th, 259th, 260th, 261st, 262nd, 263rd, 264th, 265th, 266th, 267th, 268th, 269th, 270th, 271st, 272nd, 273rd, 274th, 275th, 276th, 277th, 278th, 279th, 280th, 281st, 282nd, 283rd, 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1749th, 1750th, 1751st, 1752nd, 1753rd, 1754th, 1755th, 1756th, 1757th, 1758th, 1759th, 1760th, 1761st, 1762nd, 1763rd, 1764th, 1765th, 1766th, 1767th, 1768th, 1769th, 1770th, 1771st, 1772nd, 1773rd, 1774th, 1775th, 1776th, 1777th, 1778th, 1779th, 1780th, 1781st, 1782nd, 1783rd, 1784th, 1785th, 1786th, 1787th, 1788th, 1789th, 1790th, 1791st, 1792nd, 1793rd, 1794th, 1795th, 1796th, 1797th, 1798th, 1799th, 1800th, 1801st, 1802nd, 1803rd, 1804th, 1805th, 1806th, 1807th, 1808th, 1809th, 1810th, 1811st, 1812nd, 1813th, 1814th, 1815th, 1816th, 1817th, 1818th, 1819th, 1820th, 1821st, 1822nd, 1823rd, 1824th, 1825th, 1826th, 1827th, 1828th, 1829th, 1830th, 1831st, 1832nd, 1833rd, 1834th, 1835th, 1836th, 1837th, 1838th, 1839th, 1840th, 1841st, 1842nd, 1843rd, 1844th, 1845th, 1846th, 1847th, 1848th, 1849th, 1850th, 1851st, 1852nd,

And thereupon the Council have nominated, on Messrs. Bassett, Hyatt, and Collins a committee to the said committee of the House of Assembly on the matter of the amendments above mentioned.

*Ordered*, That the foregoing resolution, with the and appointment of the Council thereto, be returned to of Assembly by Mr. Hyatt.

Who, being returned, reported the delivery thereof to order.

Mr. Duff, a member of Assembly, was admitted to the Chair the report of the committee for adjusting Treasurer's accounts, with the said accounts and v concurrence.

Adjourned till 3 o'clock, P. M.

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EODEM D

The Council met.

Mr. Patterson appeared in the Council.

On motion, by order,

The resolution for affixing the Great Seal to seven this session was read the first time.

By special order, the foregoing resolution was read time, concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY

“SUNDAY, December

“On motion,

“*Resolved*, That the President and Commander-in-Chief be authorized to affix the Great Seal of this State to the following laws, to

1. “An act to prevent forestalling and engrossing in other purposes therein mentioned ;”

the appointment of Trustees of the General  
respective Counties of this State ;”

nt to the act entitled ‘An act for the establish-  
this State ;’ ”

raising one million three hundred and sixty  
the Delaware State between the first day of  
first day of October in the year one thousand  
eighty, and for other purposes therein men-

the amendment of an act entitled ‘A supple-  
act entitled ‘An act for the more effectual  
ing the limits of the several Counties within  
and for removing some inconveniences that  
te establishment of the boundaries and divis-  
the same and Maryland ;’ ”

nt to an act entitled ‘An act for the more easy  
y of small debts ;’ ”

prohibit the exportation of provisions from this  
as for a limited time.”

e minutes.

JAS. BOOTH,

rence.

*Cl'k of Assembly.*”

ne foregoing resolution and the laws therein  
actively signed by the Speaker of the Council ;  
gly done, and the same were ordered to be re-  
to the House of Assembly.

order,

the committee appointed to adjust the State  
s was read the first time.

the same was read a second time and agreed

the same be returned to the House of Assembly  
ner with the public accounts and vouchers.

appointed by Council to confer with a com-

mittee of the House of Assembly on the subject of amendments proposed by the Council to the bill for a laws for establishing fees, and the subsequent amendments proposed by the House of Assembly to the same bill, read their report at the table ; which, by order, was read to

By special order the same was read a second time.

Messrs. Polk and Cantwell now reported the delivery of several papers respectively committed to them by order.

On motion, by order,

The Council took into consideration the amendments by the House of Assembly to the bill for introducing the purchasing supplies for the army, and the same amendments considered and debated were rejected by the Council.

*Ordered*, That the said bill and amendments be returned to Mr. Polk, to the House of Assembly.

Mr. Vandyke, a member of Assembly, was admitted to the Chair the bill for amending the laws for fees, &c., with the report of the committee of conference on amendments proposed thereto by the House of Assembly.

On motion, by order, the said amendments were considered and rejected.

By special order, the same were read the second time, considered and rejected by the Council.

*Ordered*, That the foregoing bill and report, with amendments proposed thereto by the House of Assembly, be returned to that House by Mr. Polk.

Who, being returned, reported the delivery of the papers committed to him according to order.

The Council now put in nomination persons to be considered as a Privy Councillor, when several persons were named, their names taken down for consideration and voted for to-morrow morning.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., December 28th, 1779.

Present all the members.

member of Assembly, was admitted and delivered a resolution of the House of Assembly empowering to take measures for the more speedy supply-

order, the foregoing resolution was read the

, the same was read the second time, and an amendment proposed and agreed to.

the said resolution and proposed amendment was presented, to the House of Assembly by Mr. Pat-

terned, reported the delivery thereof according

agreeable to the order of the day, proceeded to the Council, and the box containing the ballots appeared that James Raymond, of Kent County, declared to be duly elected.

member of Assembly, was admitted and delivered a bill for amending the laws for establishing amendments proposed thereto; the report of the Council, and the amendments proposed thereto by the Assembly, and rejected by the Council, receded, with a paper of further amendments proposed by the House of Assembly.

was also delivered to the Chair the resolution empowering to take measures for the more speedy supply, with the amendments proposed thereto by the House of Assembly and made

into consideration the further amendments

proposed by the House of Assembly to the report of the committee of conference, and after some time spent thereon to all the aforesaid amendments except the amendment proposing a salary of one thousand pounds to the Attorney General.

*Ordered*, That Mr. Patterson wait on the House with the bill for amending the laws for establishing the foregoing report of the committee of conference and amendments proposed to each respectively.

Mr. Patterson reported the delivery of the above petition to order.

On motion, by order,

The resolution empowering the President to take the more speedy supplying the army was read, as amended, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY

“ MONDAY, P. M., December 11, 1776.

“ On motion,

“ *Resolved*, That the President or Commander-in-Chief of the State be and hereby is empowered, in the recess of the Assembly, to take such measures, on application to the Commander-in-Chief of the Continental Army, or Commissary or Quartermaster General of the said Army, for immediately supplying provisions or forage for the use of the army, and issue such orders to all and every person with whom he may be concerned in the purchasing supplies for the said purpose of procuring and forwarding the same, as the exigency of the case may require ; and in case the said person or persons refuse or neglect to obey and execute such orders, the President is hereby also empowered to suspend such person or persons, and to appoint another in his place.

“ Extract from the minutes.

JAS. BOGGS

“ Sent for concurrence.

Cl'k of A.

*Ordered*, That Mr. Polk return the foregoing resolution to the concurrence of the Council thereto, to the House of Assembly.



returned, reported the delivery thereof accord-

-morrow morning at 10 o'clock.

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WEDNESDAY, December 29th, 1779.

. Present all the members, except Messrs. Polk

a member of Assembly, was admitted and de-  
r the engrossed bill for amending the laws for  
aries and fees of the civil officers of this State,  
aker of the House of Assembly, together with  
d its amendments, in order that the same may  
signed by the Speaker of the Council, with a  
ng the Great Seal of this State to the said bill.

ber also delivered a resolution for raising the  
ware Regiment in rotation, &c.

ber also delivered a resolution allowing each  
regiment a hat.

ber also delivered a resolution empowering the  
Houses to draw for ten thousand pounds in  
er-General.

order,

nding the laws for establishing the salaries and  
officers of this State, &c., was read, compared  
signed by the Speaker of the Council ; which  
one ; whereupon Mr. Bassett entered the fol-  
inst the said bill, viz :

bill entitled "An act for the amendment of the  
g the salaries and allowances to the President,  
upreme Court and Justices of the Courts of  
d Orphans' Court of this State, and the fees

**RICHARD B**

"TUESDAY, P. M., December

JAS. BOC

 $Cl'_k$  of  $A$ 

"TUESDAY, P. M., December

**"Resolved,** That the officers of the Delaware Regt  
**"Continental Army be raised, in rotation, so as to**

ned by the resignation of Lieutenant Colonel  
no has resigned his office therein ; and that the  
ommander-in-Chief be requested to transmit a  
lution to the Board of War.

he minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

order,

of the House of Assembly for allowing each  
ware Regiment a hat, was read, concurred in,  
viz :

"IN THE HOUSE OF ASSEMBLY,

"TUESDAY, P. M., December 28, 1779.

t each commissioned officer in the Delaware  
owed a hat, in addition to the clothing hereto-  
n by the General Assembly, which the Clothier-  
y directed to furnish.

he minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

order,

of the House of Assembly empowering the  
Houses to draw an order for ten thousand  
the Clothier-General was read the first time.

ing accounts, brought in for the expenses of  
red at their present meeting for services ren-  
ere allowed, viz :

John Clowes, Esq., Speaker, for			
charges, &c., . . . . .	£	107	0 0
Esq., for ditto, . . . . .		75	10 0
ell, Esq., for ditto, . . . . .		96	0 0
Esq., for ditto, . . . . .		45	0 0
ell, Esq., for ditto, . . . . .		22	2 6
		<hr/>	
ward, . . . . .	£	345	12 6

*Brought over, . . . . .*

To Mrs. Huggins, for boarding Messrs. Collins and Hyatt, including traveling charges, . . . . .  
 To Mr. John Lea, for boarding Mr. Bassett, including traveling charges, . . . . .  
 To Miss Alice Bennett, for boarding the Honorable John Clowes, William Conwell, William Polk, and Benjamin Vining, Esquires, . . . . .  
 To Mr. Israel Brown, for liquors, &c., . . . . .  
 To Mr. Henry Kitchen, for keeping several of the members' horses, . . . . .  
 To Mr. Benjamin Vining, Clerk of the Council, . . . . .  
 To Mr. John Thelwell, Sergeant-at-Arms, . . . . .  
 To Mr. John McGonogle, barber, . . . . .

On motion, by order,

The resolution for the adjournment of the General Assembly to Lewes-town, in Sussex County, was read a third time, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY, December 17, 1779.

“ On motion,

“ *Resolved*, That the General Assembly of this State be adjourned to the Town of Lewes, in the County of Sussex, on the 22d day of January, 1780, at which time the present sessions may be adjourned, the Assembly may then and there transact the public business.

“ Extract from the minutes.

JAS. BOOCOCK

“ Sent for concurrence.

*Clerk of Assembly*

Then the Council adjourned until the 22d day of January, 1780, to meet at the Town of Lewes, in the County of Sussex.

ES OF COUNCIL.

---

MARCH, 1780.



# AND PROCEEDINGS

OF THE

OF THE DELAWARE STATE.

---

ED SESSION, MARCH, 1780.

---

of the Council at the Town of Lewes, in the  
, by a special order of the President, on Tues-  
of March, in the year of our Lord one thou-  
red and eighty, a quorum of the members to  
t attending, the Council adjourned from day to  
, the 3d day of April, 1780.

---

MONDAY, April 3, 1780.

et. The following members attended, viz :

*County*—Peter Hyatt.

*County*—Thomas Collins, John Baning, Richard

*County*—The Honorable John Clowes, William  
Polk.

o-morrow morning at 10 o'clock.

TUESDAY, April

The Council met. Present the same members.

The writs for convening the General Assembly at Lewes not being laid before the Council, the House from day to day until Friday, the 7th instant.

---

FRIDAY, April

The Council met. Present the same members as

The Secretary now delivered the writs for summoning the General Assembly to the Clerk of the Council, which were laid before the Council and read; and the Speaker laid upon the table a message from his Excellency the President, of the 31st March last, which had been delivered him by Mr. Stidham, a member of Assembly, on the 29th, and also a letter from the President of Congress to the Governor of this State, inclosing a Proclamation of Congress, dated apart Wednesday, the 26th instant, as a day of fasting and prayer, with a resolution of the House of Assembly for that purpose, founded thereon, which had been delivered by Mr. Bryan, a member of Assembly, on the 4th instant.

On motion, by order,

The President's message, and its inclosures, were read, and the said message is as follows, viz :

*"Gentlemen of the General Assembly :*

"A circular letter of the twenty-sixth of February last, in which I have received from the President of Congress, with that honorable body of the twenty-fifth of the same month, calling upon the several States to procure the necessary quotas of supplies for the ensuing campaign, has, on the importance of the subject, determined me, with



to convene you before the time to which you are called, because a speedy compliance with that act, and the exertions in carrying the same into execution, are equally obvious and essentially necessary. I have directed the Secretary to lay these papers before your Honors for immediate consideration ; and also to lay before you the acts of Congress of the thirteenth and fourteenth of September, the former containing regulations to be adopted in time of war, whether taken by the Continental Congress, or by the arms of any particular State, either in order to obviate many difficulties occurred in the execution of the general regulations ; the other recommending the revision of each of the United States to make provision for the same is not already done, for conferring like consideration on the subjects of his most Christian Majesty as are the subjects of these States by divers articles in the acts of Congress and commerce ; and likewise a recommendation of the President to set apart Wednesday, the twenty-sixth of September, as a day of fasting, humiliation and prayer.

I direct the attention of your Honors to an act of Congress of the eighteenth instant, calling on the several States to coin money in the Continental Currency, by monthly taxes, and to make provision for other bills to be issued in lieu thereof, and to the President of Congress, on that subject, both of which the Secretary will lay before you for your perusal and consideration together with an act of Congress, of the twentieth instant, recommending the revision of such laws as have been enacted making the said currency a tender in discharge of debts. As the two last mentioned acts are of the greatest importance to the inhabitants of America, I have no doubt but they will merit your most serious attention.

Sept. 31, 1780.

CÆSAR RODNEY."

order,

Appointing Wednesday, the 26th instant, to be a day of fasting, humiliation and prayer, was read

By special order, the same was read a second time in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY

“TUESDAY, P. M., April 1st,

“The committee to whom was referred the act recommending Wednesday, the twenty-sixth day of April, to be set apart as a day of fasting, humiliation and prayer, reported the following resolution, to which the House concurred.

“*Resolved*, That Wednesday, the twenty-sixth day of April, aforesaid, be set apart as a day of fasting, humiliation and prayer to Almighty God, for the purposes in the act of Congress expressed, and that his Excellency the President, be requested to publish the same throughout the State, by proclamation, on or before the fourteenth day of April.

“Extract from the minutes.

JAS. BOWEN

“Sent for concurrence.

Cl'k of H.

*Ordered*, That Mr. Polk return the foregoing resolution to the concurrence of the Council thereto, to the House of Representatives together with the letter and proclamation therein recommended, accompanying the same.

Who, being returned, reported the delivery thereof to order.

Mr. Bassett applied for leave of absence for a few days, which was granted to him.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., April 1st,

The Council met. Present the same members as last week except Mr. Bassett and Mr. Conwell.

Doctor Molleston, a member of Assembly, was delivered to the Chair an act of Congress, of the

prisoners of war brought into this State, with a  
the House of Assembly, founded thereon.

order, the foregoing act of Congress, and the  
on, were severally read the first time.

er, the foregoing bill for regulating prisoners of  
this State, was read the second time and referred  
e, Polk and Hyatt, to report thereon on Monday

Monday morning at 10 o'clock.

---

MONDAY, April 10, 1780.

et.

members attending on a committee, the Council  
morrow morning at 10 o'clock.

---

TUESDAY, A. M., April 11th, 1780.

net. Present all the members, except Messrs.  
, and Patterson.

member of Assembly, was admitted and delivered  
receipts for public money paid into the Loan  
County by Levin Derrickson and Joseph Haz-  
ers appointed by an act of Assembly for the  
tic monies from the late Trustees of the Loan  
County, and others therein named, with a reso-  
use of Assembly respecting the said receipts.

ber also delivered a petition from divers inhab-  
inimink Hundred, in New Castle County, pray-  
g in a bill for embanking the marsh and cripple

on Morris's Branch, in the said hundred, together with the proceedings of the House of Assembly and a bill for the founding thereon.

The same member also delivered to the Chair a bill of the House of Assembly for the payment of £353 : 7 : 11 to the State Treasury by Joseph Stidham, appointed, by act of the General Assembly at their last sitting, to make a guard house and wooden part of the magazine in the city of Wilmington, with an account of the sales.

On motion, by order, the two foregoing receipts of money paid by Levin Derrickson and Joseph Hazzard were severally read, and are as follows, viz :

" Received, November 4th, 1779, of Messrs. Levin Derrickson and Joseph Hazzard, commissioners appointed by act of the General Assembly, the sum of four thousand four hundred and forty-six pounds and nine pence three farthings and nine hundred and sixty-seven pounds and two pence farthings, interest, due from the late Trustees of the Loan Office of Sussex County, according to the schedule of the public accounts in the year one thousand seven hundred and seventy-four.

" £5413 : 1 : 0½. JOHN RODNEY, *Trustee*

" Received, April 6th, 1780, of Messrs. Levin Derrickson and Joseph Hazzard, commissioners appointed by act of the General Assembly of this State, the sum of four hundred eighty-eight pounds and seventeen shillings and four pence, principal, and one hundred and seventeen pounds and seven pence, interest, being due from David Hall and Jacob Kollock, as set forth in the act of the House of Assembly in the year one thousand seven hundred and seventy-four.

" £605 : 17 : 11. DAVID HALL, *Trustee*

On motion, by order,

The resolution of the House of Assembly respecting the foregoing receipts was read the first time.

By special order, the same was read a second time, and is in these words, viz :

"IN THE HOUSE OF ASSEMBLY,

"FRIDAY, P. M., April 7, 1780.

at the said two receipts be and are hereby declared null and sufficient acquittances and discharges as aforesaid late Trustees of the Loan Office of the State, and to David Hall and Jacob Kollock aforesaid commissioners, Levin Derrickson and Joseph Hazzard and that the sum of one hundred pounds be paid to said Levin Derrickson and Joseph Hazzard for their trouble in discharge of the duty enjoined by the act of General Assembly aforesaid; which said act was drawn for by the Speakers of both Houses on the 17th of March last.

the minutes.

JAS. BOOTH,

clerk.

*Cl'k of Assembly."*

order,

for the payment of £353 : 7 : 6 into the State Treasury, was read the first time.

After, the same was read a second time, and sundry amendments proposed and agreed to.

Mr. Conwell return the foregoing resolution and amendments to the House of Assembly for concurrence with the two foregoing receipts for public monies paid to Levin Derrickson and Joseph Hazzard, and the House of Assembly founded thereon, concurred.

Being returned, reported the delivery thereof according to order,

order,

from divers inhabitants of Appoquinimink Hundred to bring in a bill for embanking the marsh at Morris's Branch, &c., the proceedings of the House of Assembly, and the bill founded on the said petition, was read the first time.

3 o'clock, P. M.

EODEM D

The Council met.

Mr. Bryan, a member of Assembly, was admitted. He presented to the Chair a circular letter from the President of the United States to the President of this State, inclosing an act of Congress of the 14th January last, recommending to the Legislatures of the several United States to make provision for conferring like honours and immunities on his most Christian Majesty as are conferred on the subjects of these States by divers articles of the Treaty of Amity and commerce, with a bill proposed for that purpose, which was read the first time.

The committee to whom the bill for regulating the trade with the enemy in war was referred, now reported sundry amendments to the bill, which, by order, were read, agreed to and ordered to be transcribed.

*Ordered*, That the foregoing bill and transcribed amendments be sent to the House of Assembly, by Mr. Polk, for consideration.

On motion, by order,

The bill for embanking the marsh and cripple Branch was read the second time and referred to Mr. Polk, to report thereon.

On motion of Mr. Collins for leave of absence from the present sitting, the same was granted to him.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., April 1st

The Council met. Present the same members as on Tuesday, except Mr. Collins. •

Mr. Patterson now appeared in the Council, and, having made his excuse for non-attendance; which, being accepted, he took his seat.

to whom the bill for embanking the marsh and  
s's Branch, &c., was referred, now reported sun-  
to the same; which, by order, were read, agreed  
to be transcribed.

reported the delivery of the papers committed  
according to order of yesterday.

y order,

transferring certain privileges and immunities on the  
most Christian Majesty, the King of France, was  
time.

er, the same was read a third time by paragraphs  
Council.

at Mr. Conwell wait on the House of Assembly  
g bill, as agreed to by the Council, and the cir-  
act of Congress relative thereto; and also return  
the bill for embanking the marsh and cripple on  
, &c., and the transcribed amendments thereto,  
and proceedings of the House of Assembly ac-  
same.

turned, reported the delivery thereof according

to-morrow morning at 10 o'clock.

---

THURSDAY, A. M., April 13, 1780.

met. Present the same members as on yesterday.

a member of Assembly, was admitted and pre-  
air two petitions from the owners and possessors  
Red Lyon Creek, in New Castle County, with a  
House of Assembly founded on the said peti-

3 o'clock, P. M.

EODEM

The Council met.

On motion, by order, the petitions of the owners of the marsh and cripple on Red Lyon Creek, resolution of the House of Assembly founded thereon, read the first time.

By special order, the said resolution was read and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY

"TUESDAY, P. M., April 1st, 1851.

"The House took into consideration the two petitions of the owners and possessors of the Red Lyon Marsh and the banks of the same, and after some time spent

"*Resolved*, That Robert Bryan and Thomas D. Morton be and are hereby appointed a committee to view the same, and report to the General Assembly the situation and circumstances of the marshes and banks, with their opinion thereon, first given public notice of the time of meeting, the parties concerned may appear and offer any objections against the petitions aforesaid.

"Extract from the minutes.

JAS. BOYD

"Sent for concurrence.

Cl'k of A.

*Ordered*, That Mr. Banning return the foregoing resolution to the House of Assembly, concurred in and passed.

Mr. Banning, being returned, reported the delivery of the same to him, according to order.

Mr. Waples, a member of Assembly, was admitted to the Chair the Clothier-General's accounts and with the report of the committee thereon, and the House of Assembly founded on the same report.



order, the foregoing report of the Committee  
the resolutions founded thereon, were severally

a member of Assembly, was admitted and deliv-  
the bill for regulating prisoners of war, with the  
posed thereto by the Council agreed to in the  
use of Assembly, except as to the last amend-  
they have proposed an addition.

to-morrow morning at 9 o'clock.

---

FRIDAY, A. M., April 14th, 1780.

et. Present the same members as on yesterday.

order,

of the House of Assembly on the report of the  
counts, were read a second time, concurred in,  
viz :

" IN THE HOUSE OF ASSEMBLY,

" TUESDAY, P. M., April 11, 1780.

f the Committee of Accounts was, by order, read  
, and thereupon

at the several accounts of George Craghead,  
General, both for the expenditure of cash for  
the regiment and his expenses in conveying  
p, with the vouchers, be referred for adjustment  
of Accounts.

hundred and two pounds sixteen shillings and three  
d to Lieutenant William McKennan, to defray  
a conveying clothing for the regiment of this

hundred and ninety-two pounds five shillings be  
nant Edward Roche, for issuing eight months

“supplies, allowed by the General Assembly to the  
“the aforesaid regiment.

“That eight hundred and ten pounds be paid to J  
“printer, for printing the laws passed at the last  
“General Assembly, which were ordered to the pre

“That the Speakers of both Houses draw for the  
“aforesaid on the State Treasurer.

“Extract from the minutes.

JAS. BOO

“Sent for concurrence.

Cl'k of A

The Council took into consideration the additional  
proposed by the House of Assembly to the amendm  
by the Council to the bill for regulating prisoners  
agreed thereto.

*Ordered,* That Mr. Polk wait on the House of A  
the Clothier-General's accounts and vouchers, the  
Committee of Accounts thereon, and the resolution  
the said report concurred in by the Council, toget  
bill for regulating prisoners of war and the Council's  
thereto, with the additional amendment proposed t  
House of Assembly acceded to by the Council.

Mr. Polk reported the delivery of the above pap  
to order.

Mr. Cook, a member of Assembly, was admitte  
ered to the Chair an act of Congress, of the 25th F  
respecting supplies, with a bill for furnishing this Sta  
supplies for the ensuing campaign founded thereon.

On motion, by order, the foregoing bill was read

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

et.

ok into consideration the act of Congress calling States for their respective quotas of supplies for paig, and the bill founded thereon, and there- emselves into a committee of the whole to con-

ft the Chair.

took the Chair of the Committee.

esumed the Chair.

reported from the committee that they had amandments to the said bill, which were read, agreed to by the Council.

Mr. Conwell return the said act of Congress g bill to the House of Assembly, with the paper roposed thereto by the Council, for their concur-

a member of Assembly, was admitted and deliv- a petition from divers inhabitants of New Castle of Negro Peter, slave of Joshua North, of said eited to this State, under the laws thereof, and missioners for Forfeited Estates, praying a re- of the sum for which he sold, with a resolution Assembly founded thereon, and also the follow- notification respecting an adjournment, viz :

SE OF ASSEMBLY OF THE DELAWARE STATE,

“ FRIDAY, the 14th April, 1780.

at this House will adjourn to-morrow eve to y.

the minutes.

Council for their information.

“ JAS. BOOTH, *Cl'k of Assembly.*”

to-morrow morning at 10 o'clock.

SATURDAY, A. M., April

The Council met. Present the same members as o

Mr. Conwell now reported the delivery of the paper to him, according to order of yesterday.

Mr. Peery, a member of Assembly, was admitted to the Chair the report of the committee of the House on the petition of William Powders; and also a prohibiting any member of the General Assembly to any office or appointment connected with army or na

On motion, by order, the foregoing resolution v first time.

By special order, the same was read the second amendment was proposed and agreed to.

On motion, by order,

The petition in favor of Negro Peter, and the resolution of the House of Assembly founded thereon, were severally time.

By special order, the said resolution was read a concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY

“ FRIDAY, P. M., 14th A

“ The petition of divers inhabitants of New Castle  
“ behalf of a negro man, Peter, late the negro man  
“ Joshua North, of said county, forfeited to this State  
“ laws thereof, and lately sold by the commissioner  
“ that the General Assembly of this State would r  
“ the sum for which the said negro man sold, so  
“ him to raise the other part and be thereby set a  
“ was, by order, read a second time; and the House  
“ informed that the purchaser of the said negro, P  
“ acquainted with the contents of this petition and the  
“ and was thereto agreed; thereupon

simously, That the sum of money or price for the negro man Peter sold at vendue as aforesaid be remitted, and the said negro man Peter manumerged from bondage; on condition, nevertheless, security be given to indemnify the county or any cost, charge, or expense for the support of the said negro man Peter, in such manner as State direct.

the minutes.

NICH'S VANDYKE.

urrence.

Per JAS. BOOTH, *Cl'k.*"

Mr. Polk wait on the House of Assembly with petition and resolution, as concurred in by the with the resolution for prohibiting the members assembly from holding any office, &c., with the ents proposed thereto by the Council.

g returned, reported the delivery thereof ac-

order,

the committee on the petition of William Powell allowed.

Mr. Hyatt return the same to the House of

turned, reported the delivery thereof according

member of Assembly, was admitted and delivered the bill for furnishing this State's quota of ensuing campaign, with the amendments proposed the Council, in part disagreed to by the House and an amendment proposed by that House to the of the Council.

member of Assembly, was admitted and delivered the resolution prohibiting the members of the y from holding any office, &c., with the amendments thereto by the Council disagreed to by the House

The same member also delivered an account for Latimer, Esquire, of his expenses, as a commissioner for the State, incurred in attending a convention in Philadelphia, concerning a general limitation of prices, amounting to £11 : 0. Also two accounts of Doctor Charles Ridgely, of his disbursements administered to sundry soldiers, amounting in the whole to £413 : 5 : 0.

Adjourned till 3 o'clock, P. M.

EODEM I

The Council met.

The Council took into consideration the several amendments proposed to the bill for furnishing this State's quota of supplies, and receded from such of their amendments to the same as were not agreed to by the House of Assembly, and agreed to the amendments proposed by the House of Assembly to their bill.

*Ordered*, That Mr. Baning return the said bill and amendments to the House of Assembly.

Mr. Baning, being returned, reported the delivery of the bill according to order.

Mr. Ridgely, a member of Assembly, was admitted to the Chair a petition from the officers of the 1st Regiment, the report of the committee of the House of Assembly on the said petition, and a resolution of the House of Assembly founded on the said report, with the report of the committee of Accounts of December 21, 1779.

On motion, by order,

The accounts of Messrs. Latimer and Ridgely were read and allowed.

On motion, by order, the foregoing petition, report and resolution were severally read the first time.

er, the foregoing resolution of the House of  
d on the report of the committee, was read a  
urred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, 15th April, 1780.

ook into consideration the report of the com-  
was referred the remonstrance of the officers  
Regiment, and the petition of Major Nathaniel  
hers, and thereupon agreed to the said report  
ne respects the officers of the Delaware Regi-  
motion,

at the President or Commander of the State be  
npowered, from time to time during the recess  
Assembly, to draw his orders on the State Trea-  
the Clothier-General of the State for such sum-  
ey as may be necessary to enable him to pro-  
h the officers aforesaid with the supplies and  
ensuing year, in the said resolutions enumer-

the minutes.

NICH'S VANDYKE.

urrence.

Per JAS. BOOTH, *Cl'k.*”

order,

the Joint Committee of Accounts was read a  
greed to.

Mr. Conwell return to the House of Assembly  
tion of the officers of the Delaware Regiment,  
committee thereon, and the resolution founded  
rt, concurred in by the Council, together with  
Joint Committee of Accounts, and the accounts  
er and Charles Ridgely, Esquires, respectively  
uncil.

eing returned, reported the delivery of the fore-  
rding to order.

o-morrow morning at 10 o'clock.

SUNDAY, A. M., April 1

The Council met. Present the same members as on the previous day except Mr. Hyatt.

Mr. Stidham, a member of Assembly, was admitted to the Chair a petition from Preston Berry, for the discharge of his son from his enlistment into the Delaware Regiment, and a resolution of the House of Assembly founded thereon.

On motion, by order, the foregoing petition and resolution were severally read, and the said resolution was carried and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY, April 1, 1864.

"The House resumed the consideration of the petition of Preston Berry, and thereupon

"*Resolved*, That Charles Berry, the son of the said Berry, be and he is hereby discharged from his enlistment in the Delaware Regiment, in the service of the United States of America, upon the payment to the recruiting officers of the charges which have been necessarily incurred by Charles Berry since his said enlistment.

"Extract from the minutes.

JAS. BOON

"Sent for concurrence.

Cl'k of A.

*Ordered*, That Mr. Banning return to the House of Assembly the foregoing petition and resolution concurred in by the Council.

Mr. Banning reported the delivery thereof according to order.

Mr. Adams, a member of Assembly, was admitted to the Chair a resolution of the House of Assembly for affixing the Great Seal of this State to the several bills therein mentioned, together with the said bills therein referred to, and several orders, respectively signed by the Speaker of the House of Assembly, in order that the same may be compared with the original copies of the same by the Speaker of the Council.



order, the foregoing bills were severally read and ordered to be signed by the Speaker of the House as accordingly done.

That the Speaker sign the above mentioned order; accordingly.

order,

for affixing the Great Seal of this State to the bills read and concurred in, and is as follows, viz:

IN THE HOUSE OF ASSEMBLY, April 16, 1780.

That the President and Commander-in-Chief affix the Great Seal of this State to the following laws, to wit:

1. Conferring certain privileges and immunities on His most Christian Majesty, the King of France,

2. Regulating prisoners of war brought into this

3. For the more effectual draining and improving the low lands on Morris's Branch, in Appoquinimink County of New Castle, and for other purposes;

4. For furnishing supplies within this State for the United States for the ensuing campaign."

the minutes.

JAS. BOOTH,

Secretary.

*Cl'k of Assembly.*"

Mr. Polk return the foregoing resolution, with the Council thereto, to the House of Assembly, the bills and orders above mentioned, respectively to the Speaker of the Council.

He returned, reported the delivery thereof accordingly.

The Council took into consideration the accounts of their officers at this present meeting, and the following accounts, viz:

To Sarah Shankland, for dieting the members of  
 Council, . . . . .  
 To Mrs. Margaret Kollock, for boarding one of the  
 members of Council and their Clerk, . . . . .  
 To Mr. John Wiltbank, for lodging Mr. Collins and  
 keeping his horse, . . . . .  
 To the Rev. Matthew Wilson, for boarding two of  
 the members of Council, . . . . .  
 To John Marsh, for keeping Mr. Conwell's horse, .  
 To Anderson Parker, keeping Mr. Bassett's horse,  
 To Simon Edwards, Sergeant-at-Arms, &c., and for  
 paying Mrs. Jones for the rent of her room for  
 the Council, . . . . .  
 To William Polk, Esq., for his traveling charges, .  
 To Thomas Collins, Esq., for ditto, . . . . .  
 To John Baning, Esq., for ditto, . . . . .  
 To Samuel Patterson, Esq., for ditto, . . . . .  
 To Peter Hyatt, Esq., for ditto, . . . . .  
 To Benjamin Vining, Esq., Clerk of the Council, .

*Ordered,* That the Speaker draw an order on the  
 surer in favor of Sarah Shankland for the sum of £1  
 and also that he draw an order in favor of John Clov  
 the sum of £1307 : 14 : 9, and separate orders for th  
 sum of £692 : 7 : 3.

Whereupon the said orders was immediately draw  
 by the Speaker of the Council.

Then the Council adjourned till the 30th day  
 next, to meet at the Town of Dover.

\* This total, and the other figures given, are according to the r

# TES OF COUNCIL.

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JUNE, 1780.



# AND PROCEEDINGS

OF THE

## OF THE DELAWARE STATE.

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LED SESSION, JUNE, 1780.

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of the Council at the Town of Dover, in the  
by a special order of the President, on Mon-  
of June, in the year of our Lord one thousand  
d eighty, a quorum of the members to compose  
ending, the Council adjourned from day to day  
ne 8th instant.

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THURSDAY, June 8th, 1780.

members attended in the Council, viz :

*e County*—Samuel Patterson, Richard Cantwell,

*ty*—Richard Bassett, John Baning.

*ounty*—The Honorable John Clowes, William

to-morrow morning at 10 o'clock.

FRIDAY, A. M., June

The Council met. Present the same members as before and also Mr. Collins.

Mr. Patterson laid on the table a remonstrance from the town of Lewes-town, in the County of Sussex, praying that an act be enacted for the better regulation of pilots, with an agreement entered into by the said pilots for that purpose.

On motion, by order, the foregoing remonstrance and agreement were severally read the first time.

The Speaker laid upon the table a petition of John Dorman, praying an increase of toll for keeping the Broadkill Creek, in Sussex County, in repair, &c.

On motion, by order, the foregoing petition was read the first time.

Mr. John Clark, a member of Assembly, was delivered to the Chair a message from his Excellency the President, to the General Assembly, of the 8th instant, containing letters from the President of Congress to the President of the State, of the 24th and 29th May, 1780, together with a copy of Congress of the 22d, 26th and 27th of the same month, referred to.

Adjourned till 3 o'clock, P. M.

EODEM

The Council met.

On motion, by order, the President's message, and the acts of Congress therein referred to, were read the first time. The said message is in these words, viz :

*"Gentlemen of the General Assembly :*

*"A circular letter, of the nineteenth of May last, was received from the President of Congress, with a*

of the same date, calling upon the several  
w Hampshire to Virginia, inclusive, to furnish  
ten millions dollars for immediate use, have,  
tance of the subject, determined me, with the  
rivy Council, to convene you at so early a day  
sitting, both because the most speedy compli-  
t, and the most vigorous exertions in carrying  
execution, appear to be equally obvious and  
ssary. I have therefore directed the Secretary  
pers before your Honors for immediate consid-

the writs for convening the General Assembly,  
a letter from the Committee of Coöperation, at  
the 25th ultimo, with a copy of a letter from  
-in-Chief of our Army, and other papers of the  
h I have also directed the Secretary to lay be-  
m persuaded that the powerful naval and land  
ere from his most Christian Majesty, our good  
the operation of our arms, together with your  
n for the interest of your country, will lead you  
n in your power consistent with the situation  
e of the people you represent.

y will deliver you an act of Congress, of the 22d  
g an embargo within this State.

I have this day received from the President of  
er of the twenty-ninth of May, with two acts of  
body of the twenty-sixth and twenty-seventh of  
a, the one recommending to the States where  
ue to their inhabitants from the Quartermaster's  
y's Departments, by notes or certificates, to  
for discharging the same ; the other adopting  
ip for sea the naval force of the United States,  
mony, and forwarding the common views of  
merica ; one other act of Congress of the first  
further provision respecting such supplies as  
urnish other than, or over and above, their quota  
ired by the act of the twenty-fifth of February  
pers also the Secretary will lay before you for  
on.

3, 1780.

CÆSAR RODNEY."

By special order, the foregoing message and were read a second time and ordered to the House

On motion, by order,

The remonstrance of the pilots in Lewes-town, and of agreement accompanying the same, were read and ordered to be sent to the House of Assembly for consideration.

On motion, by order,

The petition of John Sheldon Dorman was read and ordered to be sent to the House of Assembly for consideration.

Mr. Patterson is appointed to wait on the House with the several foregoing papers.

Who, being returned, reported the delivery thereof to order.

Mr. William Clark; a member of Assembly, was delivered to the Chair a letter from George Cragh, Clothier-General of this State, of the 3d instant, supplying the officers of the Delaware Regiment with lieu of stores; which, by order, was read the first time.

Adjourned till to-morrow morning at 8 o'clock.

---

SATURDAY, June

The Council met. Present the same members as  
Adjourned till Monday morning at 10 o'clock.



MONDAY, P. M., June 12th, 1780.

Present all the members, except Mr. Bas-

appeared in the Council, and made his excuse, non-attendance at an earlier day in the sessions ; and.

A member of Assembly, was admitted and delivered a bill for furnishing the Continental Treasury and thirty-two thousand eight hundred dollars, credit of the State.

Order, the foregoing bill was read the first time. After, the same was read the second time and referred to Patterson, Collins and Polk, to report thereon.

To whom the said bill was referred now reported that the same do pass.

The said bill was read a third time by paragraphs in Council.

The same be returned, by Mr. Conwell, to the Assembly.

Returned, reported the delivery thereof according

to-morrow morning at 8 o'clock.

---

TUESDAY, A. M., June 13th, 1780.

Present the same members as on yesterday.

A member of Assembly, was admitted and delivered a bill for the supporting, maintaining and keeping the causeway and bridge over Broadkill Creek,

in Sussex County, with the petition of John S. Dorris, for the said bill was founded.

The same member also delivered the remonstrance against an agreement between the pilots at Lewes-town, and the State, regulating the pilots within this State employed in and other vessels through the Bay of Delaware.

On motion, by order,

The bill for supporting, maintaining and keeping in good repair the causeway and bridge over the Broadkill, was read the first time.

By special order, the same was read a second time, and referred to Messrs. Clowes, Collins and Polk, to report on this afternoon.

On motion, by order,

The bill for regulating the pilots within this State, was read the first time.

By special order the same was read a second time, and referred to Messrs. Patterson, Conwell and Hyatt, to report on this afternoon.

Adjourned till 3 o'clock, P. M.

---

EODEM

The Council met.

The committee to whom the bill for supporting and repairing the causeway and bridge over the Broadkill in Sussex County, was referred, now reported sundry amendments to the same bill ; which, by order, were read, agreed to and ordered to be transcribed.

The committee to whom was referred the bill for regulating the pilots within this State, employed in piloting ships

Bay of Delaware, now reported as their opinion pass.

The said bill was read a third time by paragraphs Council.

Mr. Polk wait on the House of Assembly with the bill and the amendments proposed thereto by their concurrence; and also the bill for regulating this State, &c., agreed to by the Council.

To-morrow morning at 8 o'clock.

---

WEDNESDAY, A. M., June 14th, 1780.

Present the same members as on yesterday.

Reported the delivery of the several papers corresponding to the order of yesterday.

3 o'clock, P. M.

---

EODEM DIE, P. M.

et.

member of Assembly, was admitted and delivered a resolution empowering the Clothier-General to furnish the Delaware Regiment with money in

member also delivered a resolution of the House of sale of a quantity of steel, the property of the

order,

The resolution empowering the Clothier-General to give to the officers of the Delaware Regiment with money in lieu of stores was read the first time.

By special order, the same was read the second time and concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY

“ WEDNESDAY, A. M., June 10, 1781

“ It being represented to the House that the Regiment of the State having marched to join the Southern army, the Clothier-General finds it almost impracticable to transmit to the officers of the said regiment the stores allowed them by the General Assembly, and that from the delay and wastage of the stores, it will be unavoidable in conveying such stores to the said officers during the present campaign, divers officers of the said regiment requested that the Clothier-General be empowered to give to the officers the amount of such stores to the officers in money.

“ *Resolved*, That George Craghead, Esq., Clothier-General of this State, pay unto Major John Patten, of the said regiment, the amount of the stores aforesaid, to be by the said Patten distributed to the officers of the said regiment in proportion in which such stores are directed to be distributed by the General Assembly.

“ Extract from the minutes.

JAS. BOOCOCK

“ Sent for concurrence.

Cl'k of Assembly

*Ordered*, That Mr. Banning return the same to the General Assembly, concurred in by the Council.

Who, being returned, reported the delivery thereof to order.

On motion, by order,

The resolutions for the sale of a quantity of steel, &c. of this State, was read the first time.

By special order, the same was read the second time and concurred in, and is in these words, viz :

"IN THE HOUSE OF ASSEMBLY,

"WEDNESDAY, A. M., June 14, 1780.

considerable quantity of steel was heretofore the use of this State, a considerable part whereof part of which may be sold and the money arising applied for the use of the State ; therefore

that the President of the State be requested and have so much of the said steel sold by public auction at the highest and best price that can be got for the same, in his opinion, may think can be spared.

that the money arising by such sale be by the President to be paid into the hands of the State Treasurer, to be by him laid out towards the sum of one hundred and thirty-two hundred dollars, directed to be borrowed, on the credit of this State, by the act entitled 'An act for furnishing the State Treasury with one hundred and thirty-two hundred dollars, by loan, on the credit of this State,' and that the President make return of such sale and of the money so received to the General Assembly at their next meeting.

the minutes.

JAS. BOOTH,

clerk.

*Cl'k of Assembly."*

Mr. Cantwell return the foregoing resolutions, and the sense of the Council thereto, to the House of As-

being returned, reported the delivery thereof to the President.

member of Assembly, was admitted and delivered a bill for the payment and discharge of divers certificates, in the hands of inhabitants of this State, to Francis Wade, Esquire, Deputy Quartermaster-General of this State.

order, the foregoing bill was read the first time. On to-morrow morning at 10 o'clock.

THURSDAY, A. M., June

The Council met. Present the same members as except Mr. Collins.

On motion, by order,

The bill for the payment and discharge of divers or certificates, issued by Francis Wade, Esq., &c., second time.

The same, by order, was read a third time by pa sundry amendments were proposed and agreed to.

*Ordered*, That the said amendments be transcrib with the said bill, to the House of Assembly, for co Mr. Polk.

Who, being returned, reported the delivery ther to order.

Adjourned till 3 o'clock, P. M.

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EODEM

The Council met.

Mr. John Clark, a member of Assembly, was delivered to the Chair a return of deserters from Regiment, confined in the public goal of Kent January 1st, 1780, together with a petition of Benjamin Crocker, keeper of the said goal, relative thereto, and a resolution of the House of Assembly, founded thereon, for the payment of one hundred and fifty pounds to the said Benjamin Crocker.

On motion, by order, the foregoing petition and resolution were read the first time.

Adjourned till to-morrow morning, 8 o'clock.

FRIDAY, A. M., June 16th, 1780.

Present the same members as on yesterday, and the same members.

Member of the House of Assembly, attending, delivered to the Chair the bill for furnishing the Treasury with 132,800 dollars, by loan, on the 1st of June; the bill for the supporting, maintaining, &c., of the roadkill Creek, &c., with the amendments proposed by the Council agreed to by the House of Assembly; and also the bill for regulating the pilots on the Delaware River, &c., engrossed and respectively signed by the House of Assembly, together with the originals,

and also delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal to the same.

Ordered,

That the bills were severally read, compared and ordered by the Speaker; which was accordingly done.

Ordered,

That the Great Seal be affixed to the three laws, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, June 16th, 1780.

That the President and Commander-in-Chief affix the Great Seal of the State to the following laws, to wit :

1. The bill for the furnishing the Continental Treasury with thirty-two thousand eight hundred dollars, by the State ;”

2. The bill for the supporting, maintaining and keeping in

good repair the bridge over the Broadkill Creek in Delaware County, and for other purposes therein mentioned

3. "An act for regulating the pilots within the Delaware River, employed in piloting ships and other vessels through the Delaware River." Delaware."

"Extract from the minutes.

JAS. BO

"Sent for concurrence.

Cl'k of

*Ordered*, That the foregoing bills, respectively signed by the Speaker of the Council, together with the report for affixing the Great Seal thereto, concurred in by the Council, be returned to the House of Assembly by Mr. C.

Mr. Conwell reported the delivery thereof according to order.

On motion of Mr. Collins, for leave to bring in a bill repealing an act of Assembly entitled "An act for the better keeping up the causeway adjoining the creek of Murderkill, in Kent County," the same was granted, and a bill for that purpose was laid on the table.

On motion, by order, the foregoing bill was read.

Mr. Peery, a member of the House of Assembly, presented and delivered the bill for the payment and discharge of receipts, notes, or certificates, &c., with the amendments thereto by the Council acceded to by the House of Assembly, and an additional amendment proposed to the first amendment of the House of Assembly.

On motion, by order,

The said bill, with the amendments, was read, and the House acceded to the additional amendment of the House of Assembly, and proposed a further amendment to their own bill, which was read, agreed to, and ordered to be transmitted to the House of Assembly.

*Ordered*, That Mr. Cantwell return the foregoing bill, with several amendments, to the House of Assembly for their consideration and concurrence.

Adjourned till 3 o'clock, P. M.



EODEM DIE, P. M.

et.

order, the petition of Benj. Crooks, and the House of Assembly for the payment of one hundred pounds to the said Benj. Crooks, were severally read, and the said resolution was concurred in, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ WEDNESDAY, P. M., June 14, 1780.

Resolved, That the petition of Benj. Crooks, for the public goal of Kent County, report that he has paid the said Benj. Crooks one hundred and fifty pounds for the board of the said Benj. Crooks furnished during the course of the last year from the Delaware Regiment in the service of the United States, who were confined in the said goal, and the said Benj. Crooks has been paid out of the public money of this State and of the United States ; to which the House agreed.

That the Speakers of both Houses draw an order on the Treasurer for the aforesaid one hundred and fifty pounds to be paid to the said Benjamin Crooks.

the minutes.

JAS. BOOTH,

clerk.

*Cl'k of Assembly.*”

Now reported the delivery of the several papers according to order.

Resolved, That the account and petition of Benjamin Crooks, for the payment of £150 to the said Benjamin Crooks, be referred to the House of Assembly, concurred in by Mr. Polk.

Returned, reported the delivery thereof according

order,

The bill for the repealing an act entitled "An act ing and keeping up the causeway adjoining the cre Murderkill, &c.," was read the second time.

The same was, by order, read a third time, by pa passed the Council.

*Ordered*, That Mr. Collins deliver the foregoing House of Assembly for their perusal and consideration.

Mr. Collins reported the delivery thereof according

Mr. Adams, a member of Assembly, attending, and delivered to the Chair an act to prohibit the e provisions from this State beyond the seas for a limit

On motion, by order, the foregoing bill was read

By special order, the same was read the second ti mitted to Messrs. Collins, Polk and Patterson, to r to-morrow morning.

Adjourned till to-morrow morning at 8 o'clock.

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SATURDAY, A. M., June

The Council met. Present the same members as

Mr. Waples, a member of the House of Assembly was admitted and delivered to the Chair a bill for the of buildings erected upon lands of the inhabitants for the use of the United States, &c.

The committee to whom was referred the bill for the exportation of provisions from this State, &c., an amendment thereto ; which was read, agreed to, to be transcribed.

*Ordered*, That Mr. Cantwell wait on the House with the bill last mentioned and the transcribed ame

Mr. Cantwell reported the delivery thereof accor

y order,

the preservation of public buildings was read the

er, the same was read the second time, and or-  
for consideration.

a member of the House of Assembly, attending,  
and delivered to the Chair a petition from James  
ry Latimer, surgeons in the army, for clothing,  
resolution of the House of Assembly for furnish-  
he said James Tilton and Henry Latimer.

y order, the foregoing petition and resolution  
st time.

der, the same were read a second time, and the  
concurring in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,  
“SATURDAY, A. M., June 17, 1780.

Congress, by their act of the 15th day of April  
olved that any State which shall furnish the offi-  
spital and medical staff belonging to such State  
of the United States with such articles of cloth-  
ficers are respectively entitled to by a resolution  
of the 20th November, 1779, and make return  
Clothier-General, shall have credit for such sup-  
accounts with the United States ; and whereas  
and Henry Latimer, senior surgeons in the army  
States, have prayed the General Assembly of this  
nished with clothing as aforesaid ; therefore

that George Craghead, Esq., Clothier-General of  
authorized and directed to furnish the said James  
enry Latimer with such articles as by the said  
directed, and make return thereof to the Clothier-  
Army, according to the said resolution, and also

n the minutes.  
currence.

JAS. BOOTH,  
*Cl'k of Assembly.*”

*Ordered*, That the foregoing petition and resolution in by the Council, be returned by Mr. Polk to the Assembly.

Who, being returned, reported the delivery thereof to order.

The Council now took into consideration the bill for the preservation of public buildings, &c., and sundry amendments proposed, agreed to, and ordered to be transcribed and sent to the House of Assembly, for their concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof to order.

Adjourned till 3 o'clock, P. M.

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EODEM

The Council met and adjourned till Monday morning 10 o'clock.

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MONDAY, A. M., June

The Council met. Present the same members as at the last meeting, and also Mr. Bassett.

Mr. Peery, a member of Assembly, attending, delivered to the Chair the bill for the preservation of public buildings, &c., with the amendments proposed to the Council in part agreed to and in part disagreed to by the House of Assembly.

The same member also delivered the bill to prohibit the sale of provisions from this State, &c., with the

by the Council acceded to by the House of Assembly therein.

A member of the House of Assembly, attending, delivered to the Chair a bill for procuring an act of provisions within this State for the Army and Navy, &c., accompanied with an act of Congress and a letter from his Excellency, General Washington, in relation to the Committee of Coöperation, of the 25th May, and two copies of the said committee, to the President of the State, of the 2d June, 1780, on the subject of supplies.

The House took into consideration the bill for the preservation of the public buildings and its amendments, and thereupon they agreed to the first amendment, disagreed to by the House the second, and adhered to their last, also disagreed to by that House the third, and agreed to the fourth, and ordered to be transcribed and printed with the said bill and the embargo bill, by Mr. [Name], of the House of Assembly, and also the following message.

At 3 o'clock, P. M.

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EODEM DIE, P. M.

met.

On the order, the bill for procuring an immediate delivery of provisions, &c., together with the act of Congress for the relief of the said bill, were severally read the first time.

After, the same bill was read the second time and the third time, and agreed to till to-morrow.

Now reported the delivery of the several papers and documents charge according to order.

To-morrow morning at 7 o'clock.

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Not recorded.

TUESDAY, A. M., June

The Council met. Present the same members as

The Council now took into consideration the bill for an immediate supply of provisions, &c., and sundry other bills to the same were proposed, read, agreed to, and ordered to be transcribed.

*Ordered*, That Mr. Hyatt deliver the foregoing bill to the act of Congress and several letters accompanying it, together with the transcribed amendments, to the Honorable Assembly for their consideration and concurrence.

Mr. Hyatt, being returned, reported the delivery of the said papers according to order.

Mr. Stidham, a member of the House of Assembly, was admitted and delivered to the Chair a message from the Excellency, the President, inclosing copies of two letters from the Excellency, General Washington, to the Committee of the 11th and 12th instant, together with a letter from General Washington, of the 2d instant, to the President of the State, respecting aids of Militia from this State; and a resolution for embodying a number of Militia for the purpose of strengthening the Army of the United States.

On motion, by order,

The foregoing bill and message, with the several letters accompanying the same, were severally read, and the same were agreed to in these words, viz :

*"Gentlemen of the General Assembly :*

*"Yesterday evening I received a letter from the President, in which he expresses his desire for the Coöperation at Morris-town, dated the 12th instant, and incloses with copies of two letters from his Excellency, General Washington, to the committee ; all which I have directed to be laid before your Honors immediately, and as the matter is very pressing, I am persuaded you will do every thing in your power, without the least delay, to answer his expressions."*

*"Dover, June 17, 1780.*

CÆSAR R.

ve was granted to Mr. Polk to bring in a bill for the trade of this State ; whereupon a bill for this on the table.

order, the foregoing bill was read the first time.

3 o'clock, P. M.

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EODEM DIE, P. M.

et.

order, the bill for embodying a number of Mi- &c., was read the second time.

a third time by paragraphs read, and sundry eto were proposed, read, agreed to and ordered

Mr. Polk deliver the said bill, with the trans- nts, and the President's message and letters ac- same bill, to the House of Assembly.

ng returned, reported the delivery thereof ac-

x, a member of Assembly, attending, was admit- to the Chair certain resolutions of that House ns, &c.

order, the foregoing resolutions were read the

order,

e protection of the trade of this State was read and agreed to by the Council.

the same be sent to the House of Assembly, for n and concurrence, by Mr. Cantwell.

a member of Assembly, attending, was admit-

ted and delivered to the Chair the accounts of Ca mouth, the superintendent of the recruiting service ware Regiment, together with the reports of the co House of Assembly and of the Auditor General o counts, and the muster roll, dated 30th, 1780.

The same member also delivered to the Chair McCall's account for rent due him for ground whe tinental stable in the Town of Dover is erected, wi of the House of Assembly empowering the Speak order in favor of the said Samuel for £280.

The several foregoing accounts, reports, and reso ering the Speakers to draw an order in favor of S. by order, severally read the first time.

On motion, by order,

The resolution for procuring arms, &c., was re time, and some amendments were proposed thereto read, agreed to, and ordered to be transcribed an House of Assembly by Mr. Cantwell.

Mr. Cantwell, being returned, reported the deliv eral papers committed to him according to order.

Adjourned till to-morrow morning at 6 o'clock.

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WEDNESDAY, A. M., June

The Council met. Present the same members as except Mr. Bassett.

Mr. Vandyke, a member of the House of Asse mitted and delivered to the Chair the resolution arms, &c., with the amendments proposed thereto l acceded to by the House of Assembly.

The same member also delivered to the Chai of the House of Assembly empowering the Presi



on the bay and river of Delaware for the protection thereof.

order,

for procuring arms, &c., as amended, was read, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, A. M., 20th June, 1780.

It may be necessary from time to time, during the General Assembly, that the receivers of supplies for the Counties of this State be furnished with money to enable them to proceed on the business assigned

that the President and Commander-in-Chief of the State hereby is empowered to draw his order on the receivers in favor of the said receivers respectively for the sum of money as he may judge necessary to enable them to conduct the business with dispatch and expedition, which the said receivers are respectively to be presented to the General Assembly.

That the President and Commander-in-Chief of the State be empowered and requested to write to the Board of Directors for arms and other accoutrements for the use of the said hundred and fifteen men required of this State, the same to be procured on loan, or charged to the State, as may be directed by the said Board.

the minutes.

JAS. BOOTH,

concurrence.

*Cl'k of Assembly.*”

order,

empowering the President to fit out barges, at the first time.

After, the same was read the second time and concluded in these words, viz : \*

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not recorded.

*Ordered*, That Mr. Patterson return the two for-  
tifications, with the concurrence of the Council to each  
to the House of Assembly.

Mr. Patterson, being returned, reported the d-  
same according to order.

On motion, by order,

The resolution empowering the Speakers to dra-  
favor of S. McCall for £ 280, was read the second  
jected.

On motion, by order,

The report of the committee of the House of  
Capt. Learmouth's accounts was read the second time  
to, and is as follows, to wit :

"Your committee who were directed to convey  
"Learmouth on the subject of his accounts, have  
"ference, and thereupon beg leave to report : That  
"ion of your committee the premium which was  
"resolution of the General Assembly, dated the —  
"1779, is now quite insufficient for the duty, and  
"ciation of our paper currency has become much  
"designed by the Legislature ; therefore your com-  
"opinion that the reward now to be allowed to Cap-  
"for the recruiting service should be made equal  
"designed by the Assembly at the time of entering  
"lution aforesaid, and also that the reasonable exp-  
"Learmouth during his attendance for the settle-  
"counts ought to be paid by this State.

"Your committee, being further instructed to re-  
"be the state of the accounts, do report that, after al-  
"sums of money expended in taking up and secu-  
"and also for Capt. Learmouth's expenses going  
"and returning from Philadelphia, being sent ther-  
"error for money, there appears due from the sa-  
"mouth the sum of four thousand one hundred  
"dollars."

*Ordered*, That Mr. Baning return to the House  
Capt. Learmouth's muster roll and recruiting acco-

Committee thereon agreed to by the Council, and General's report, and also deliver the resolution em-  
powering to draw an order in favor of S. McCall for  
by the Council.

reported the delivery of the aforesaid several papers  
er.

present mode of raising recruits to fill up the  
ment is found, by experience, not to answer the  
hereby intended ; for the more easy and speedy  
ment aforesaid, therefore

at the President or Commander-in-Chief in this  
being may, and he is hereby authorized and  
appoint one or more suitable persons in each  
state, inhabitants thereof, to the recruiting service,  
aforesaid.

That every person on the recruiting service,  
aforesaid, shall be allowed one hundred and ninety  
able-bodied soldier he may enlist to serve during  
shall pass muster.

ional bounty of two hundred dollars, over and  
hundred dollars allowed by Congress, be given to  
t may be so enlisted.

dent advance, from time to time, to the persons  
t of the money in his hands for the recruiting  
such sums as he may think necessary for the  
; and

ns appointed to the service aforesaid respectively  
d upon by the President, account with him for  
of all monies by them received for the aforesaid

at Mr. Conwell deliver the foregoing resolutions  
Assembly for their concurrence.

being returned, reported the delivery thereof  
er.

member of Assembly, was admitted and delivered  
account of Robert Crozier against the Delaware  
s done, amounting to £ 306.

The same member also delivered a resolution  
County Lieutenant to account for fines received ; a  
lution requesting the President to write to Congress

On motion, by order,

The account of Robert Crozier was read, consid  
lowed for the sum of two hundred and four pounds

On motion, by order,

The resolution directing the County Lieutenant  
fines received, was read and concurred in, and is as

“ IN THE HOUSE OF AS  
“ WEDNESDAY, A. M., Ju

“ On motion,

“ *Resolved*, That the Lieutenants of the Count  
“ General Assembly at their meeting in October  
“ fail, and render an account of the fines and fo  
“ have received.

“ *Resolved*, That the Clerk furnish each of them  
“ a copy of the above resolution.

“ Extract from the minutes.

JAS. BO

“ Sent for concurrence.

Cl'k of

On motion, by order,

The resolution requesting the President to write  
&c., was read the first time and concurred in, and f  
words, viz : \*

*Ordered*, That Mr. Cantwell return the foreg  
allowed by the Council, and the two last mentione  
with the concurrence of the Council to each respec  
House of Assembly.

Mr. Cantwell reported the delivery thereof accor

Mr. West, a member of Assembly, attending,  
and delivered to the Chair the following laws, c

---

\* The resolution is not recorded in the minutes.

ed by the Speaker of the House of Assembly, in  
ared and signed by the Speaker of the Council,

the preservation of public buildings, &c. ;

go bill ;

payment and discharge of divers receipts, &c. ;

y bill ;

bill ;

resolution of the House of Assembly for affixing  
this State to the same.

several foregoing bills were read, compared,  
signed by the Speaker ; which was done ac-

order,

for affixing the Great Seal to the before men-  
read the first time and concurred in, and is as

“ IN THE HOUSE OF ASSEMBLY,  
“ WEDNESDAY, June 21, 1780.

at the President and Commander-in-Chief affix  
of the State to the following bills, to wit :

the preservation of buildings erected upon the  
nts of this State for the use of the United States,  
buildings and lands in the United States during  
and to punish persons for waste or trespasses  
mitted thereon, and for other purposes therein

prohibit the exportation of provisions from this  
seas for a limited time ;”

or payment and discharge of divers receipts,  
ates in the hands of inhabitants of this State,  
is Wade, Esq., Deputy Quartermaster General

within this State for the Continental Army, and assistants, for forage and other articles furnished by said department for the public service ;”

4. “An act for procuring an immediate supply within this State for the Army of the United States and for other purposes therein mentioned ;”

5. “An act for embodying a number of the State for the purpose of reinforcing the Army States.”

“ Extract from the minutes.

JAS. BO

“ Sent for concurrence.

Cl' k of

*Ordered*, That the foregoing bills, and the affixing the Great Seal to the same, respectively Speaker of the Council, be returned to the House by Mr. Collins.

Who reported the delivery of the same according

Mr. Peery, a member of Assembly, was admitted to the Chair the resolution empowering the President one or more persons within this State for the receipt with the concurrence of the House of Assembly the

*Ordered*, That the Speaker sign an order in favor of son and Hazzard for the sum of one hundred pounds he draw an order in favor of James Adams for £ 50, Wilson and Butler for £ 156 : 5 : 0 ; and also in favor of min Crooks for £ 150 : 0 : 0 and £ 165 : 0 : 0, and for £ 100 : 0 : 0.

Whereupon the aforesaid several orders were signed by the Speaker of the Council.

Adjourned till 3 o'clock, P. M.

## EODEM DIE, P. M.

met and took into consideration the accounts of  
at the present session, and the following allow-  
e, to wit :

, for traveling expenses, as per bill,

.....	£	72	0	0
erson, for do. do., No. 2, . . . . .		90	0	0
well, for do. do., No. 3, . . . . .		85	0	0
for do. do., No. 4, . . . . .		15	0	0
twell, for do. do., No. 5, . . . . .		39	10	0
g, for do. do., No. 6, . . . . .		22	10	0
ning, Clerk of the Council, as per				
.....		337	2	6
th, barber, as per bill, No. 8, . . .		75	0	0
ell, as per bill, No. 9, . . . . .		3,142	12	6

£ 3,878 15 0

at the Speaker draw orders on the State Treas-  
uryment of the aforesaid sums.

ne said orders was immediately drawn and signed

uncil adjourned to the 30th day of September  
the Town of Dover.





TES OF COUNCIL.

---

OCTOBER, 1780.



# AND PROCEEDINGS

OF THE

OF THE DELAWARE STATE.

---

of the Council at the Town of Dover, on Friday,  
anno Domini, 1780, a sufficient number of mem-  
berum not attending, the Council adjourned from  
Wednesday, November 1st, 1780.

---

WEDNESDAY, A. M., November 1st, 1780.

members appeared in the Council, viz :

*County*—Samuel Patterson, Richard Cantwell.

*County*—Thomas Collins, John Baning.

*County*—William Conwell, William Polk.

the Sheriff and Inspectors for the County of New  
tion of a Councillor to fill the seat of Peter Hyatt,  
became vacant on the first day of October last by  
id on the table, it appears that Thomas McDon-  
was elected a member of the Council for the said  
Castle, in the room of the said Peter Hyatt, on  
f October aforesaid.

gh appeared in the Council.

the Sheriff and Inspectors for the County of  
tion of a Councillor to fill the seat of Richard  
which became vacant on the first day of Octo-

ber last by rotation, being laid on the table, it appeared that Cook, Esquire, was elected a member of the Council for the County of Kent, on the second day of October aforesaid.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor, being laid on the table, it appeared that John Clowes, Esquire, whose seat became vacant by the first day of October last by rotation, was re-elected a member of the Council for the said County of Sussex, on the second day of October aforesaid.

Mr. Clowes appeared in the Council.

The Council then proceeded to the choice of a Councillor for the County of Kent. Thomas Collins, Esquire, was elected.

The Speaker being seated in the Chair, Mr. Benjamin Clowes was chosen Clerk of the Council, and Benjamin Clowes, Esquire, was chosen keeper and Sergeant-at-Arms.

Mr. McDonough and Mr. Clowes, the two members of the Council elected at the last general election, took the oath and subscription prescribed by the twenty-second article of the Constitution of this State, and then took their seats. [See note on page 11.]

Mr. Benjamin Vining, Clerk of the Council, appeared in the House, took the oath and subscribed the declaration of the 22d article of the Constitution, and also took his seat. [See note on page 11.]

On motion,

*Ordered*, That Messrs. Patterson and Clowes be directed to wait on the President and inform him that the Council are ready to receive any business his Excellency may lay before them.

The committee, being returned, reported that they had waited on his Excellency, the President, according to order, and delivered the message committed to them, and that he was answered, to say, that he had laid his business before the Assembly, and that the same, in its regular course, would be laid before the Council.

Adjourned till 3 o'clock, P. M.

## EODEM DIE, P. M.

et.

member of the House of Assembly, attending, presented to the Chair a letter from the President, addressed to his Excellency, the President, that honorable body, of the 12th and 24th August provision for the officers of the army.

member also delivered to the Chair a letter from his Excellency, the President, of the 12th September with a letter from Captain James Moore, Thomas Collins, Esquire, and the resolutions of the Assembly respecting the officers of the Delaware Regiment.

order, the foregoing letters, and the several resolutions, were read the first time.

to-morrow morning at 10 o'clock.

---

THURSDAY, A. M., November 2d, 1780.

et. Present the same members as on yesterday.

order,

of the House of Assembly respecting the officers of the Delaware Regiment, were read a second time, and the same was proposed and agreed to.

the same be transcribed, and that Mr. Patterson, of the House of Assembly therewith, and also return the same, and the several acts of Congress of the 12th and 24th August, passed yesterday.

being returned, reported that he had waited on the members with the said papers according to order.

Mr. Collings, a member of the House of Assen-  
was admitted and delivered to the Chair the reso-  
ing the officers of the Delaware Regiment, with the  
proposed thereto by the Council acceded to by the  
sembly; which were read, as amended, and concurred  
Council, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY

“TUESDAY, P. M., October 12th, 1864

“The committee to whom were recommitted the  
“acts of Congress of the 12th and 24th August  
“from General Gist, reported an essay of the bill  
“them ; whereupon, the same being read and con-

“*Resolved*, That an immediate supply of two  
“specie, be advanced by this State to each of the  
“Delaware Regiment who were made prisoners in  
“the 16th of August last and now remain with the  
“also to Capt. James Moore and Lieutenant John  
“said regiment, who are now prisoners on Long  
“that one months pay, in specie, be advanced to the  
“cers of the said regiment, who have been in the  
“United States of America in the Southern Depa-

“That, in order to procure the said sum, in  
“five thousand dollars, in Bills of Credit, emitted  
“be forthwith laid out by Samuel Patterson, Esq.  
“Treasurer, in the purchase of a sum of money  
“the purpose aforesaid ; and that an order be  
“Speakers of the two Houses of the General Assem-  
“the said Treasurer to apply so much of the pu-  
“the use aforesaid ; and, as soon as the same  
“obtained, that the State Treasurer pay such pa-  
“hereinbefore allotted to the officers who have  
“service of the United States in the Southern army  
“William McKennan ; or, in case of his death,  
“proceed to the army, to such other person as  
“surer may think proper, who is to be accountable  
“eral Assembly for the disposition of the said m-  
“the State Treasurer remit the part allotted to  
“and Lieutenant Hyatt in such way as he shall c-

“That the State Treasurer charge the Contingent

ghty-five thousand dollars as so much advanced quota for the United States.

thier-General of this State be directed to purchase the necessary clothing and stores for the soldiers, as well prisoners as others, belonging to the regiment, and have them forwarded, with all expenses, to the said officers and soldiers; and that the said General be authorized to draw on the State Treasurer in favor of the said General for the sum of fifty-five thousand dollars, to perform that service; the said Clothier-General to be paid by the General Assembly for the expenditure of the same.

the minutes.

JAS. BOOTH,

currence.

*Clerk of Assembly.*

That Mr. Cantwell return the foregoing resolutions, and the advice of the Council thereto, to the House of As-

the delivery thereof according to order.

3 o'clock, P. M.

---

EODEM DIE, P. M.

met and adjourned to 10 o'clock to-morrow morn-

---

FRIDAY, November 3, 1780.

met and adjourned to 10 o'clock to-morrow morn-

SATURDAY, A. M., November

The Council met. Present all the members.

Mr. Cook, a member of the Council for the C now appeared in the Council, took the oath and declaration prescribed by the 22d article of the this State, and then took his seat. [*See note on p*

Mr. Peery, a member of the House of Assem was admitted and delivered to the Chair a petition sundry inhabitants of Sussex County, with a bill f divers persons concerned in the late insurrection founded on the said petition.

The same member also delivered a resolution of Assembly respecting an adjournment; which, by o and is as follows, to wit :

“ IN THE HOUSE OF A

“ FRIDAY, P. M., Novem

“ On motion,

“ *Resolved*, That it is the intention of this Ho  
“ the present sessions to-morrow evening to a di  
“ that Mr. Peery wait on the Council with a copy  
“ tion for their information.

“ Extract from the minutes.

“ JAS. BOOTH, Cl'k o

On motion, by order,

The petition from sundry inhabitants of Susse the bill founded thereon, were severally read the f

On motion of Mr. Cook, for leave to bring in pending the operation of the tender bills for a li same was granted, and a bill for that purpose w table, and, by order, read the first time.

On motion, by order,



the relief of divers persons concerned in the late  
Sussex County, was read the second time, and  
Mr. Speaker, Mr. Clowes, and Mr. Patterson, to  
this afternoon.

order,

pending the operation of the tender bills, was  
made and referred to Messrs. McDonough, Cook,  
and thereon.

3 o'clock, P. M.

---

EODEM DIE, P. M.

et.

member of the House of Assembly, attending,  
delivered to the Chair the President's message  
Assembly, of the 25th ultimo, inclosing three cir-  
the President of Congress, an act of Congress,  
first, for ascertaining the rank of Governors; one  
number last, for facilitating the final ratification of  
Confederation, and one of the 20th September,  
arrangement of the army, together with an act  
of New York, and some proceedings of the  
Legislatures of the States of Maryland and Virginia  
Articles of Confederation.

member also presented to the Chair a message from  
the General Assembly of the 28th October, in-  
Congress of the 10th of the same month, 'res-  
appropriated lands as may be ceded or relin-  
quished States by any particular State.

order,

the message of the 25th ultimo, and its inclosures,  
read, and the said message is in these words, viz :

*"Gentlemen of the General Assembly :*

"Divers acts of Congress, accompanied with  
"from the President of that honorable body, a  
"relative thereto, have been transmitted to me  
"the last session. These papers, from their na  
"tance to the welfare of the State indispensab  
"attention of the Legislature, I have directed  
"lay before your Honors for your consideration  
"of the 6th ultimo, recommending measures to  
"the several States for facilitating the completi  
"fication of the Articles of Confederation, wit  
"Legislature of the State of New York, and pr  
"respective Legislatures of the States of Maryla  
"relative to that subject; two acts of the 12th an  
"last, making further provision for the officers  
"the Continental Army, with recommendation  
"States; one, of the 25th of the same month,  
"rank of Governors or Presidents of the sever  
"they may act in the field together, or in conj  
"Continental Army; one, of the 26th, earnestly  
"to the several States to take the most speed  
"means in their power for drawing in their resp  
"the Continental Bills of Credit, to be destroy  
"exchanging for them new bills, pursuant to t  
"the 18th of March last, that the whole of the m  
"issued; also recommending to the several St  
"taxes, payable in the new bills above mentio  
"their respective quotas of three millions of d  
"to the apportionment of the 7th of October  
"the same into the Treasury of the United St  
"possible, the payment to be duly completed b  
"December next; one, of the 20th of September  
"a new arrangement of the army; one, of the  
"month, recommending to the States respectivel  
"Delegates with money for their support by o  
"drawing on the Treasury of the United States  
"such cases as may render that mode indispen  
"and a proclamation of the 18th instant, recom  
"day, the 7th of December next, to be observ  
"Thanksgiving and Prayer.

"I have also directed the Secretary to lay bef

at the camp at Hillsborough on the 12th ultimo, came from Brigadier-General Gist, requesting a flag and stores for the troops of this State in the winter, and also money and necessaries to render continuation of such of our troops as were lately captured now prisoners with the enemy.

October 25, 1780.

CÆSAR RODNEY."

By order, the President's message of the 28th ult. of Congress inclosed therein, were severally read. The message follows in these words, to wit:

*The General Assembly:*

I have received from the President of Congress an act of the Continental Congress, dated the 10th instant, respecting such lands as may be ceded or relinquished to the United States by any particular State pursuant to the recommendation of the 6th of September last, which I have directed to be read before your Honors.

October 28, 1780.

CÆSAR RODNEY."

The bill to whom was referred the bill for the relief of the soldiers concerned in the late insurrection in Sussex County, reported an amendment to the same; which, by the yeas and nays, was agreed to.

That the same be transcribed, and that Mr. McClellan of the House of Assembly therewith for their consideration, and that he return the petition from the inhabitants of Sussex County and the foregoing bill.

Mr. McClellan, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

The bill to whom the bill for suspending the operation of the act for a limited time was referred, rejected the said bill, and passed a new bill, in lieu thereof, at the table; which, by yeas and nays, was passed the first time.

After, the same was read the second time.

The bill was read a third time, by paragraphs, and passed

*Ordered*, That the said bill be transcribed and presented to the House of Assembly, for concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof to order.

Mr. Peery, a member of the House of Assembly, was admitted and delivered to the Chair the bill for the relief of the persons concerned in the late insurrection in Sussex, and a paper of amendments proposed by the House of Assembly, and the amendments proposed by the Council to the said bill.

The same member also delivered the resolutions of the House of Assembly for facilitating the completion of the Dr. McKennan's bill; and presented to the Chair an account of the expenses of Captain McKennan, amounting to four thousand two hundred dollars, for the traveling expenses of himself, a sergeant and one private, who accompanied him to this State on the public service, and a resolution of that House for the payment of the sum of 4,200 dollars to Captain McKennan.

The same member also delivered the resolutions of the House of Assembly for the protection of the trade of the State, and the river.

The said member also delivered a proclamation of the 18th October, respecting the appointment of a day of fasting and prayer, to be observed as a day of fasting and prayer, with a resolution of that House for the purpose.

The amendments proposed by the House of Assembly, and the amendments proposed by the Council to the bill for the relief of the persons concerned in the late insurrection in Sussex, were read, considered and agreed to.

*Ordered*, That Mr. Conwell return the said amendments to the House of Assembly, agreed to by the Council, together with the bill.

Who, being returned, reported that he had delivered the said amendments to the House of Assembly with the said papers according to order.

On motion, by order,

s of the House of Assembly for facilitating the  
e Delaware Regiment, were read the first time.

er, the same were read a second time and con-  
e as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, A. M., November 4, 1780.

taking into consideration the report of the com-  
g the filling up of the Delaware Regiment,

nat, in addition to the resolves of the late Gen-  
made on the 21st of June last, the President or  
Chief be requested to issue his orders to such  
of the said regiment as now are or shortly may  
o this State, and not assigned to particular duty,  
the enlisting of able-bodied men into the said  
erve during the war, upon the terms prescribed  
aforesaid ; and that the President recommend  
s respectively a strict attention to this duty, as  
chasing after and apprehending any deserters that  
the State.

p, That the President or Commander-in-Chief  
ereby authorized and empowered to draw orders  
reasurer for a sum or sums, not exceeding forty  
rs, as a further supply for the service aforesaid.

the minutes.

JAS. BOOTH,

currence.

*Cl'k of Assembly."*

y order,

McKenna's account, and the resolution for the  
o dollars to Capt. McKenna, were read the first

er, the same were read a second time, the said  
ved, and the said resolution concurred in, and is  
o wit :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, P. M., November 4, 1780.

from William McKenna, a captain in the Dela-

“ware Regiment, amounting to four thousand two  
 “lars, for the traveling expenses of himself, a ser  
 “soldier, from camp at Hillsborough to this State  
 “service, was presented to the Chair, and, being  
 “sidered, was allowed.

“*Resolved*, That the Speakers of both Houses  
 “on the State Treasurer for the said sum of four  
 “hundred dollars in favor of the said Capt. William

“Extract from the minutes.

JAS. BO

“Sent for concurrence.

Cl'k of

On motion, by order,

The resolutions for the protection of the trade o  
 bay and river were read the first time.

By special order, the same were read a second  
 curred in, and are as follows, viz :

“IN THE HOUSE OF AS

“SATURDAY, A. M., Novem

“WHEREAS the trade of this State on the Del  
 “river hath been and still is interrupted and imp  
 “boats and cruisers from New York and elsewhere  
 “tion whereof

“*Resolved*, That the President or Commander-i  
 “he is hereby authorized to contract for and fit  
 “vessel, not exceeding sixty tons in burthen, wi  
 “boat or boats as he shall judge necessary to be w  
 “such vessel, and appoint and commission pro  
 “officers of the same vessels, assigning the numb  
 “and fixing their pay per day, over and above th  
 “prizes by them taken and prosecuted to conde  
 “Court of Admiralty of this State.

“*Resolved*, That the expenses which may be i  
 “carrying the foregoing resolve into execution  
 “and paid by this State.

“And to the end that an immediate supply of  
 “obtained for the purpose aforesaid,

that a sum not exceeding one hundred thousand  
 rowed upon the credit of the State, and that the  
 certificates to the person or persons lending the  
 following form, to wit :

re State acknowledges the receipt of \_\_\_\_\_  
 \_\_\_\_\_, for the payment whereof to the  
 \_\_\_\_\_, his executors, administrators, or assigns,  
 their value now settled at the rate of seventy-five  
 pie, on or before the twenty-fifth day of October  
 erest at the rate of six per cent. per annum, the  
 d State is hereby pledged according to the tenor  
 olves of the General Assembly made at Dover  
 November, 1780. Witness my hand the \_\_\_\_\_  
 Anno Domini, 1780.

s the trade and commerce of the neighbouring  
 sylvania and New Jersey is affected and injured  
 ations made by such armed boats and cruisers,

that it be recommended to the President or Com-  
 ef of this State that he apply, by way of letters,  
 re authority of the neighbouring States aforesaid  
 d assistance in the protection of the general trade  
 d river aforesaid by sending one or more armed  
 service.

n the minutes.

JAS. BOOTH,

currency.

*Cl'k of Assembly."*

y order,

n for the appointment of a day of Thanksgiving  
 read the first time.

der, the same was read a second time and con-  
 as follows, viz :

"IN THE HOUSE OF ASSEMBLY,

"SATURDAY, A. M., November 4, 1780.

Congress, by their proclamation dated the 18th  
 er last, have recommended to the several States  
 Thursday, the seventh day of December next, to

"be observed as a day of public Thanksgiving  
 "therefore

"*Resolved*, That Thursday, the seventh day  
 "aforesaid, be set apart throughout this State as  
 "lic Thanksgiving and Prayer to Almighty Go  
 "poses in the above-recited proclamation of Cong  
 "his Excellency, the President, be requested to p  
 "by proclamation.

"Extract from the minutes.

JAS. BO

"Sent for concurrence.

Cl'k of

*Ordered*, That the four last mentioned resolu  
 concurrence of the Council respectively thereto  
 Kennan's account, the proclamation of Congress,  
 messages from the President, with their inclosure  
 to the House of Assembly by Mr. Cook.

Mr. Cook, being returned, reported that he had  
 House of Assembly with the said papers according

Doctor Clayton, a member from the House  
 attending, was admitted and returned to the Ch  
 suspend, for a limited time, the operation of the  
 Assembly of this State for making the Bills of  
 United States and of this State a legal tender in t  
 debts equal to gold and silver, with a paper of am  
 posed thereto by the House of Assembly ; which  
 consideration and acceded to.

*Ordered* that the said bill be engrossed.

The said bill being engrossed, was, by order,  
 pared.

*Ordered*, That the same be sent to the House of  
 Mr. McDonough.

Mr. McDonough, being returned, reported the d  
 according to order.

Mr. Young, a member of Assembly, attending  
 and delivered to the Chair the bill for the relief of  
 concerned in the late insurrection in Sussex Count  
 bill to suspend, for a limited time, the operation



y of this State for making the Bills of Credit of  
es and of this State a legal tender in the pay-  
qual to gold and silver, respectively signed by  
he House of Assembly, with a resolution of that  
g the Great Seal thereto.

mber also delivered a resolution respecting an

the two foregoing bills be signed by the Speaker  
which was done accordingly.

y order,

for affixing the Great Seal thereto was read and  
d follows in these words, to wit :

“IN THE HOUSE OF ASSEMBLY,

“SATURDAY, P. M., November 4, 1780.

that the President and Commander-in-Chief affix  
of the State to the following bills, to wit :

or the relief of divers persons concerned in the  
in Sussex County ;”

o suspend, for a limited time, the operation of  
of Assembly of this State for making the Bills  
United States and of this State a legal tender in  
debts equal to gold and silver.”

the minutes.

JAS. BOOTH,

currence.

*Cl'k of Assembly.*”

y order,

a respecting an adjournment was read and con-  
as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“SATURDAY, P. M., November 4, 1780.

that the General Assembly of this State will meet  
of New Castle on the day to which the present

"sessions may be adjourned, and there sit to trans-  
"business.

"Extract from the minutes.

JAS. BO

"Sent for concurrence.

Cl'k of

Mr. Duff, a member of the House of Assembly, admitted and delivered to the Chair the accounts of Kennan, Henry Nash, and Benjamin Crooks, for which, by order, were read, considered and allowed the account of Capt. McKennan, which the Council

*Ordered*, That the bills and resolutions before respectively signed by the Speaker of the Council going accounts, be returned, by Mr. Conwell, to the Assembly.

Mr. Conwell, being returned, reported that he had the House of Assembly with the same according to

Adjourned to 8 o'clock to-morrow morning.

SUNDAY, A. M., November

The Council met. Present all the members.

Mr. Duff, a member of the House of Assembly, admitted, and delivered to the Chair the following report of their adjournment, viz :

"IN THE HOUSE OF ASSEMBLY

"SATURDAY, P. M., November

"On motion,

"*Resolved*, That this House will, at the time of the next meeting of the present sessions, adjourn the same to the fourth day of January next.

"Extract from the minutes.

"JAS. BOOTH, Cl'k of

der, was read.

ook into consideration and allowed the following  
at in for the service of the State at this present

ll, for the expenses of the members

cil, . . . . .	£3,111	15	6
Esq., for his traveling expenses, .	60	0	0
well, Esq., for ditto, . . . . .	60	0	0
, Esq., for ditto, . . . . .	30	0	0
Donough, Esq., for ditto, . . . . .	41	5	0
rson, Esq., for ditto, . . . . .	80	7	0
twell, Esq., for ditto, . . . . .	18	15	0
ing, Esq., Clerk of the Council, .	311	5	0
th, barber, . . . . .	69	0	0

---

£3,782 7 6

---

t orders be drawn, and signed by the Speaker,  
asurer for the payment of the said sum.

orders were accordingly drawn and signed by the

ncil adjourned to Thursday, the fourth day of  
meet at the Town of New Castle.



TES OF COUNCIL.

---

JANUARY, 1781.



# AND PROCEEDINGS

OF THE

## L OF THE DELAWARE STATE.

---

TURNED SESSION, JANUARY, 1781.

---

of the Council at the Town of New Castle, by  
on Thursday, the fourth day of January, Anno  
a quorum of the members to form a House not  
Council adjourned from day to day till Saturday,

---

SATURDAY, P. M., January 13th, 1781.

g members attended, viz :

*ttle County*—Samuel Patterson, Richard Cantwell.

*ounty*—Thomas Collins.

*County*—John Clowes, William Polk.

at Mr. Patterson and Mr. Clowes be a committee  
Excellency, the President, and acquaint him that  
ving met, are ready to receive any business he  
y before them.

l 12 o'clock on Monday.

MONDAY, January

The Council met and adjourned to 10 o'clock to-

---

TUESDAY, P. M., January

The Council met. Present all the members, except Banning, Polk, and Cook.

The committee appointed on Saturday last to wait on the President, now reported that they had waited on him, in order, and delivered the message committed to them. The Excellency was pleased, in answer, to say, that he would lay his papers before the House of Assembly, which, in due season, would come before the Council; and at the same time to express his wish that the General Assembly would give the immediate business now before them all possible dispatch.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair a message, on behalf of the President, addressed from the House of Assembly to his Excellency, with his Excellency's message, in answer, inclosing a return of the Receiver of Supplies for the year, and also a resolution of the House of Assembly relative to the supplies.

The same member also delivered a resolution of the House of Assembly for the appointment of a committee to audit the Treasurer's accounts.

On motion, by order,

The foregoing message from the House of Assembly to his Excellency, the President, was read, and is as follows:

"A MESSAGE FROM THE HOUSE OF ASSEMBLY TO HIS EXCELLENCY, THE PRESIDENT."

"LENCY, CÆSAR RODNEY, ESQUIRE, PRESIDENT."

"MANDER-IN-CHIEF OF THE DELAWARE STATE."

"*Sir*—The House of Assembly request you to



of the supplies in kind ordered to be raised in  
 within the last year have been collected in each of  
 of this State, and what the several species of those  
 and also what quantities of those supplies, and  
 species of them, have been delivered by the  
 each County for the supply of the troops of the  
 , or any of them, as by the act for furnishing  
 in this State for the Army of the United States  
 ng campaign, passed at Lewes-town, the 15th of  
 nd also by the act for procuring an immediate  
 ovisions within this State for the Army of the  
 of America, and for other purposes therein men-  
 d at Dover, the 21st June, 1780, is provided.

order of the House of Assembly,

“NICHOLAS VANDYKE, *Speaker*.

, 13th January, 1781.

n the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

y order,

t's message, in answer to the above, and its inclo-  
 rally read, and the said message is as follows, viz :

*the Assembly:*

to your message of the 13th instant, I beg leave  
 our Honors that the Receivers have sent me no  
 their several appointments, except one from the  
 Sussex County, which will be laid before you here-  
 ctly enjoined to it by my instructions, as well as  
 Assembly referred to, and therefore it is not in  
 give the House that information they wish to  
 to the collection and delivery of supplies. I be-  
 collected considerable quantities, but have been  
 ted in the transportation thereof from the Coun-  
 and Sussex by the refugee armed boats. The  
 New Castle County informs me that for some time  
 ot been able to carry on his business for want of a  
 ey.

“CÆSAR RODNEY.

January 15th, 1781.”

On motion, by order,

The resolution of the House of Assembly respecting supplies, was read the first time.

By special order, the same was read a second time, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY

"MONDAY, January 13th, 1868

"It appearing to the House, by his Excellency the Governor's answer to their message of the 13th inst. that the supplies directed to be raised and obtained in aid of the use of the Federal Army, that no returns had been made to him by the Receivers of Supplies in either of the Counties of New Castle or Kent, and no return from the County of Sussex since the 20th of September last.

"*Resolved*, That the President be requested to direct upon those several Receivers for returns of the supplies raised or purchased within this State in aid of the use of the Federal Army, specifying the places where the same shall be delivered, and also returns of the quantities of those supplies actually delivered for the use of the troops of the Federal Army, or any of them; and that the most speedy and effectual measures be taken for the delivery or transportation of those supplies for the use of the Federal Army.

"Extract from the minutes.

JAS. B. COLEMAN

"Sent for concurrence.

CL'K OF HOUSE

On motion, by order,

The resolution for the appointment of a committee to examine the State Treasurer's account was read the first time.

By special order, the same was read a second time, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY

"SATURDAY, P. M., January 17th, 1868

"On motion,

"*Resolved*, That Mr. Latimer, Mr. Kollock, and Mr. Smith be a committee, on the part of this House, to join with the committee of the Senate, to examine the State Treasurer's account.

pointed by the Council, to settle and adjust the  
's accounts, and to make report thereof forth-

the minutes.

JAS. BOOTH,

urrence.

*Cl'k of Assembly."*

the Council do appoint Mr. Clowes and Mr.  
e a committee to join with the committee of the  
ly for the purpose above mentioned.

Mr. McDonough return the foregoing messages  
with the concurrence of the Council thereto res-  
House of Assembly.

o o'clock to-morrow.

---

WEDNESDAY, January 17th, 1781.

met. Some of the members being on a com-  
cil adjourned to 10 o'clock to-morrow.

---

THURSDAY, A. M., January 18th, 1781.

et. Present all the members, except Messrs. Polk

o'clock, P. M.

---

EODEM DIE, P. M.

et and adjourned to 10 o'clock to-morrow.

FRIDAY, A. M., Janua

The Council met. Present the same members

The committee appointed to join with the c  
House of Assembly to adjust the accounts of the  
being still engaged in that business, the Council  
o'clock to-morrow.

---

SATURDAY, Janua

The Council met and adjourned to Monday m

---

MONDAY, A. M., Janua

The Council met, and having no business laid  
the House of Assembly, adjourned from day to  
day, the 27th instant.

---

SATURDAY, A. M., Janua

The Council met. Present all the members, ex

Mr. McDonough now reported the delivery of  
mitted to him on Tuesday, the 16th instant, acco

Adjourned to 3 o'clock, P. M.

## EODEM DIE, P. M.

et.

member of the House of Assembly, attending, delivered to the Chair a resolution of the House for the appointment of a Committee of Public Ac-

member of the House of Assembly, attending, delivered to the Chair a petition from Paul Quenoault, Lieutenant in the Delaware Regiment, with a resolution of Assembly for the payment of four thousand dollars said Paul Quenoault.

order,

for the appointment of a Committee of Public Accounts at the first time.

er, the same was read a second time and confirmed as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“THURSDAY, P. M., January 25, 1781.

at Mr. Clayton, Mr. Kollock, and Mr. White of Public Accounts, on the part of this House, that a copy of this resolution be sent to the Council, for the appointment of a committee of their body to join with the committee aforesaid.

the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

the Council have appointed Mr. McDonough to be a committee on their part to join with the committee of the House of Assembly for the purpose aforesaid.

order,

Lieutenant Paul Quenoault, and the resolution were severally read the first time.

By special order, the same were read a second time. The following amendment was proposed to the said resolution: To insert the word [six] before the word [thousand] in the word [four]; which was agreed to, and ordered to be inserted.

*Ordered*, That Mr. Conwell return to the House to report on the resolution for the appointment of a Committee to inquire into the accounts, with the concurrence and appointment of the same thereto; and also return the foregoing petition with the transcribed amendment thereto.

Adjourned to Monday morning at 10 o'clock.

---

MONDAY, P. M., January 1st, 1877.

The Council met. Present the same members as at the last meeting except Mr. Patterson and Mr. McDonough.

Mr. Conwell reported the delivery of the seal of the Council to his charge, according to the order of the Council.

Mr. Cook, who had been absent, now appeared. He made his excuse for his non-attendance, and was excused.

Adjourned till to-morrow at 10 o'clock.

---

TUESDAY, A. M., January 2nd, 1877.

The Council met. Present all the members, except Mr. Patterson.

Mr. Stout, a member of the House of Assembly, was admitted and delivered to the Chair the report of the Committee on the payment of four thousand dollars to Lieut. Quaker.

posed thereto by the Council acceded to by the  
bly.

y order, the foregoing resolution was read and  
id is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, A. M., January 29, 1781.

order, the petition from Lieutenant Paul Queno-  
elaware Regiment, was read the second time; and

hat the Speakers of both Houses of the General  
w an order on the State Treasurer in favor of the  
enoault for the sum of six thousand dollars, for  
be accountable.

n the minutes.

“ JAS. BOOTH, *Cl'k of Assembly.*”

at Mr. Baning return the same resolution, with the  
the Council thereto, to the House of Assembly.

reported the delivery thereof according to order.

10 o'clock to-morrow.

---

WEDNESDAY, January 31st, 1781.

net and adjourned till to-morrow.

---

THURSDAY, February 1st, 1781.

net. Present all the members.

o business before the Council from the House of  
ouncil adjourned from day to day until Saturday,

**SATURDAY, February**

The Council met. Present all the members.

Adjourned to 3 o'clock, P. M.

---

**EODEM**

The Council met.

Mr. Kollock, a member of the House of Assembly, was admitted and delivered to the Chair an act of the 20th March last, for repealing the tender law, acts of that honorable body, of the 18th of the same month, on the subject of Finance, together with a bill entitled "An act calling out of circulation and cancelling the quota of bank notes according to the present apportionment, of all the bank notes emitted by Congress, and for emitting and funding the same according to the resolutions of Congress of the 18th of March last, and for other purposes.

On motion, by order, the foregoing acts of Congress and said bill, were severally read the first time.

Adjourned till 10 o'clock on Monday next.

---

**MONDAY, A. M., February**

The Council met. Present all the members.

Adjourned to 3 o'clock, P. M.



## EODEM DIE, P. M.

net.

y order, the bill entitled "An act for calling out  
d cancelling the quota of this State, according to  
ortionment, of all the Bills of Credit emitted by  
or emitting and funding new bills, according to  
of Congress of the 18th day of March last, and  
es," was read the second time and deferred for

to-morrow morning at 10 o'clock.

---

TUESDAY, A. M., February 6th, 1781.

net. Present the same members.

3 o'clock, P. M.

---

## EODEM DIE, P. M.

net.

laid before the Council a letter of the 3d instant,  
Mr. McKean (one of the Delegates for this State  
the Speaker of the Council; which, by order, was  
d to be delivered by the Speaker to the Speaker  
Assembly, for their perusal and consideration.

ow resumed the consideration of the bill entitled  
ng out of circulation and cancelling the quota of  
ding to the present apportionment, of all the Bills

of Credit emitted by Congress, and for emitting and bills, according to the resolutions of Congress of the March last, and for other purposes," and after so therein the same was deferred till to-morrow.

Adjourned till to-morrow morning at 10 o'clock.

---

WEDNESDAY, A. M., February

The Council met. Present all the members.

The consideration of the bill entitled "An act for of circulation and cancelling the quota of this State the present apportionment, of all the Bills of Credit Congress, &c.," was now resumed again, and amendments were proposed, agreed to and ordered to be

*Ordered,* That Mr. Cantwell wait on the House with the said transcribed amendments, for their concurrence, and also return the said bill.

Mr. Cantwell reported that he had waited on Assembly with the said papers according to order.

Adjourned to 3 o'clock, P. M.

---

EODEM

The Council met and adjourned to 10 o'clock to

---

THURSDAY, A. M., February

The Council met. Present all the members.

Mr. Waples, a member of the House of Assembly was admitted and delivered to the Chair a bill enacted to recruit the Regiment of this State now in the

together with two circular letters from the President, of the 6th and 26th October, 1780, inclosing a message relative to the arrangement of the army, and the House of Assembly thereon.

By order, the foregoing bill, and the papers accompanying it, were severally read the first time.

3 o'clock, P. M.

---

EODEM DIE, P. M.

met.

By order, the bill entitled "An act to recruit the militia of this State now in the service of the United States," was read the first time and referred to a committee of three, to report to-morrow morning.

Chosen : Mr. Clowes, Mr. McDonough, and Mr.

Mr. McDonough, for leave to bring in a bill for per diem wages of the members of the General Assembly of Delaware State, the same was granted ; whereupon the bill was laid on the table, and

By order, the same was read the first time.

10 o'clock to-morrow.

---

FRIDAY, A. M., February 9th, 1781.

met. Present all the members.

Resolved, that to whom was referred the bill entitled "An act to raise a regiment of this State now in the service of the United States," now reported as their opinion that the same may

Mr. Duff, a member of the House of Assembly, admitted and delivered to the Chair a proposition of Assembly for the nomination of persons to be Delegates from this State to Congress for the ensuing year, also persons to supply the place of Chief Justice of the Common Pleas and Orphans' Court for the County of York in the room of John Jones, Esquire, deceased, and a fourth Justice of the said Court, in the County of York in the room of Isaac Smith, Esquire, deceased.

The same member also delivered to the Chair a proposition of William Peery, Esquire, against the State, amounting to five thousand three hundred and forty-four dollars, of the committee of the House of Assembly thereon.

On motion, by order,

The proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates from this State to Congress for the ensuing year, &c., was read the first time.

On motion, by order,

The account of William Peery, Esquire, against the State, amounting to five thousand three hundred and forty-four dollars, of the committee of the House of Assembly thereon, was read the first time, and the said account was referred to the Council.

On motion, by order,

The proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates from this State to Congress for the ensuing year, &c., was read the second time, and an amendment was agreed to, and ordered to be transcribed.

On motion, by order,

The bill entitled "An act to recruit the Regiment of the State now in the service of the United States," was read the first time, by paragraphs, and passed the Council.

*Ordered,* That the foregoing bill, with the several amendments accompanying the same; the proposition from the House of Assembly for the nomination of Delegates from this State to Congress for the ensuing year, &c.; and the transcribed amendment thereto; and V

ed by the Council, with the report of the com-  
house of Assembly thereon, be returned to the  
ly by Mr. Cook.

o'clock, P. M.

---

EODEM DIE, P. M.

et.

reported the delivery of the papers committed  
to order.

member of the House of Assembly, attending,  
delivered to the Chair a bill entitled "An act  
counts of the several Loan Offices and of Com-  
hose hands any public monies have come by  
assed under the former Government, and for  
an act entitled 'An act for the appointment of  
General Loan Offices in the respective Counties

ber also delivered to the Chair the proposition  
f Assembly for the nomination of persons to be  
legates to Congress, with the amendment pro-  
the Council acceded to by the House of As-

order, the foregoing bill was read the first time.

order, the foregoing proposition, as amended,  
curred in, and is as follows, viz :

" IN THE HOUSE OF ASSEMBLY,  
" THURSDAY, P. M., February 8th, 1781.

at Mr. Duff wait on the Council and propose to  
Houses of the General Assembly meet in the  
-morrow evening, at three o'clock, for the pur-

"pose of nominating persons to be balloted for as  
 "this State to Congress for the ensuing year ; and  
 "to supply the place of Chief Justice of the Court  
 "Pleas and Orphans' Court for the County of New Castle  
 "room of John Jones, Esquire, deceased, and the  
 "Justice of the said Courts in the County of Sussex  
 "of Isaac Smith, Esquire, deceased.

"Extract from the minutes.

"JAS. BOOTH, Clerk of the Council.

*Ordered,* That Mr. Conwell return the same to the General Assembly, with the concurrence of the Council thereof.

Who, being returned, reported the delivery according to order.

On motion, by order,

The bill entitled "An act for ascertaining the names of the members of the General Assembly of the State of New Jersey" was read the second time.

Mr. Peery, a member of the House of Assembly, was admitted and delivered to the Chair a verbal message from the House of Assembly are now ready to receive the State House, for the purpose of putting into nomination persons to be balloted for as Delegates from this State to Congress for the ensuing year ; a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, and a fourth Justice of the said Courts in the County of Sussex, able to their proposition of yesterday.

Then the Council proceeded to the State House of Representatives for the purpose above mentioned.

*Ordered,* That Mr. Patterson, Mr. Latimer, and Mr. Smith be a committee to wait on his Excellency, the President, to acquaint him that the General Assembly, having resolved on the State House to put in nomination persons to be balloted for as Delegates from this State to Congress for the ensuing year ; a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, and a fourth Justice of the said Courts in the County of Sussex, request his Excellency to think proper.

...being returned, reported that they had waited  
...the President, and delivered the message com-  
...according to order, when he was pleased, in an-  
...t he would wait on the General Assembly imme-

...t attended in the General Assembly, and pro-  
...e members to put in nomination persons to be  
...Delegates from this State to Congress for the en-  
...to fill the vacancies in the Courts of Common  
...ans' Courts in the Counties of New Castle and  
...names were taken down for the consideration of  
...both Houses.

...at the two Houses now separate, and meet again,  
...ouse, at 10 o'clock to-morrow morning, to ballot  
...upply the above mentioned vacancies out of the  
...t in nomination.

...ncil withdrew.

...at the following verbal message be sent from the  
...House of Assembly, viz :

...desire to see the several messages presented to  
...sembly this session by the President, in order that  
...e to judge of the business necessary to be done.

...ugh is appointed to deliver the above message ;  
...rned, reported the delivery according to order.

...y order,

...scertaining the per diem wages of the members  
...Assembly, was read the third time, by para-  
...eed to by the Council.

...t Mr. Polk deliver the same to the House of  
...eir consideration.

...a, a member of Assembly, was admitted and de-

livered to the Chair the several messages presented by the President, dated the 12th and 25th January and 7th of this instant, with the papers therein referable to the request of the Council contained in the message of this forenoon.

The same member also delivered a petition to the Assembly in behalf of Charles Gordon, praying permission from New York to this State, accompanied with a Nicholson respecting Mr. Gordon.

The same member also delivered to the Chair papers and proceedings of the Court of Admiralty New Jersey, respecting the removal of a vessel called Clinton, from Mispillion Creek, in this State, into James Pollock and others.

The same member also delivered to the Chair John Lewden, praying leave to bring in a bill in the course of the road leading from New Castle to Clinton with a bill for that purpose entitled "A further supplement to the act entitled 'An act for the better regulation in New Castle County.'"

The same member also delivered a resolution of the Assembly respecting an adjournment of the present Monday, the 19th day of March next.

Adjourned till 9 o'clock to-morrow morning.

---

SATURDAY, A. M., February

The Council met. Present all the members.

Mr. Polk now reported the delivery of the bill for the per diem wages of the members of the General Assembly, to the House of Assembly, according to the order of the day.

Mr. Houston, a member of the Assembly, was called



hair a bill for protecting the trade of the Delaware and informed the Council that the House of Assembly to receive them in the State House for the voting for persons as Delegates from this State to the ensuing year; and also for a Chief Justice of the Common Pleas and Orphans' Court for the County of New Castle, and a fourth Justice of the said Courts for the County of Sussex, agreeable to the order of the day.

The Council, agreeable to the order of the day, met the next day, in the State House, to ballot for persons to fill the mentioned places out of the persons before put

The General Assembly proceeded to ballot for persons as Delegates from this State to Congress for the ensuing year, and when examined it appeared that Thomas Rodney, John Rodney, and Nicholas Vandyke, Esquires, were elected.

That Mr. McDonough, Mr. Duff, and Mr. Peery be appointed to wait on his Excellency, the President, and inform him that the General Assembly have met in the State House for the purpose of selecting persons to supply the place of a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, and of a fourth Justice of the said Courts for the County of Sussex, and request his attendance at the same, if he thinks proper.

Mr. Peery, being returned, reported that they had waited on his Excellency with the message committed to them according to the order of the day, and that his Excellency was pleased, in answer, to say that he would attend the General Assembly immediately.

Mr. Peery attended, and proceeded with the General Assembly to ballot for persons to supply the said vacancies in the Common Pleas and Orphans' Court in the Counties of New Castle and Sussex.

The said balloting, on motion of Mr. Read,

Resolved, That the place of Chief Justice for the County of New Castle be supplied by the second Justice of the said Courts,

and that the second, third and fourth Justices of the Peace rise in the same progressive order, the one supply the place occasioned by the removal of the other ;

Whereupon, the box containing the ballots being opened, it appeared that James Latimer, Esq., the present second Justice of the said Courts, was declared duly elected Chief Justice, and John Thompson, Abraham Robinson, and Richard W. Esquires, were declared duly elected second, third and fourth Justices of the same Courts for the County of New Castle. It also appeared that John Clowes, Esq., was declared duly elected the fourth Justice of the Court of Common Pleas, Orphans' Court for the County of Sussex.

Then the President withdrew, and the two Houses adjourned.

Adjourned till 3 o'clock.

---

EODE

The Council met.

On motion, by order, the bill for protecting the Delaware bay and river, was read the first time.

By special order, the same was read a second time, and referred to a committee of three, to report thereon at the next session.

The members chosen : Mr. Patterson, Mr. Clowes.

On motion, by order,

The several messages presented this session to the General Assembly, were now read the first time.

On motion, by order,

The petition in behalf of Charles Gordon, and Joseph Nicholson, respecting Mr. Gordon, were read the first time.

That Mr. Polk return to the House of Assembly the  
s from the President to the General Assembly;  
ession, and the several papers relative thereto,  
olson's letter and the petition in behalf of Charles  
at he deliver the following verbal message from  
:

from the want of time and a variety of business  
n, return the several messages presented to the  
ly by the President, together with the several  
thereto, except a letter from Mr. Nicholson and  
half of Charles Gordon.

to whom was referred the bill for protecting the  
aware bay and river, now reported as their opin-  
e may pass.

he same was read the third time, by paragraphs,

That Mr. Polk return the said bill to the House

returned, reported the delivery thereof according

member of the House of Assembly, was admitted  
the Chair a resolution of the House of Assembly  
r on the State Treasurer in favor of William Mil-  
of fifteen thousand dollars, together with another  
w an order on the State Treasurer in favor of the  
llan for the sum of twenty thousand dollars.

y order,

of John Lewden, and the bill founded thereon,  
rst time.

der, the same were read a second time and re-  
mittee of three, to view the premises, and report  
s thereon at their next meeting.

s chosen : Mr. McDonough, Mr. Patterson, and

On motion, by order,

The resolution of the House of Assembly the Speakers of the two Houses of the General Assembly draw an order on the State Treasurer in favor of for fifteen thousand dollars, was read the first time.

By special order, the same was read a second time, concurred in, and is as follows, viz :

" IN THE HOUSE OF ASSEMBLY

" SATURDAY, P. M., February 10, 1866

" On motion,

" *Resolved*, That the Speakers of the two Houses of the General Assembly draw an order on the State Treasurer in favor of William Millan, Receiver of Supplies for New Castle, for the sum of fifteen thousand dollars, the said order to account with the General Assembly for the same.

" Extract from the minutes. For JAS. B. MILLAN

" Sent for concurrence. WILLIAM MILLAN

On motion, by order,

The resolution empowering the Speakers of the two Houses of the General Assembly draw an order on the State Treasurer in favor of William Millan for the sum of twenty thousand dollars, was read the first time.

By special order, the same was read the second time, concurred in, and is as follows, viz :

" IN THE HOUSE OF ASSEMBLY

" SATURDAY, P. M., February 10, 1866

" On motion,

" *Resolved*, That the Speakers of the two Houses of the General Assembly draw an order on the State Treasurer in favor of William Millan, Receiver of Supplies for New Castle, for the sum of twenty thousand dollars, to enable him to purchase barrels for flour now on hand; the sum thereof to be replaced in the Treasury by New Castle County, or to be ready provided for by an extra supply of provisions.

he said William Millan to account for the expen-  
with the General Assembly.

n the minutes. For JAS. BOOTH, *Cl'k*.  
concurrence. WILLIAM PEERY."

l next Monday morning at 10 o'clock.

---

MONDAY, A. M., February 12th, 1781.

met. Present all the members, except Messrs.  
d Baning.

at Mr. Conwell return to the House of Assembly  
ons empowering the Speakers of the two Houses  
on the State Treasurer in favor of William Millan  
ve sums of fifteen thousand and twenty thousand  
e concurrence of the Council severally thereto.

at the Speakers of the two Houses of the Gen-  
draw an order on the State Treasurer in favor of  
ceiver of Supplies for Kent County, for the sum  
dollars, to enable him to procure barrels for flour  
the sum thus drawn for to be replaced in the Trea-  
County, if not already provided for by an extra  
sions by the said county, and the said Isaac Carty  
e expenditure thereof with the General Assembly.

at the same be transcribed and sent, with the two  
tions, to the House of Assembly for their consid-  
concurrence, by Mr. Conwell.

returned, reported the delivery of the said papers  
der.

y order,

stating the accounts of the several Loan Offices

was read the second time and referred to Messrs. [unclear] well, and Cook, to report thereon.

The committee to whom the foregoing bill was reported some amendments thereto; which were [unclear] and ordered to be transcribed.

*Ordered,* That Mr. Patterson return the foregoing transcribed amendments, to the House of Assembly in due course.

Mr. Patterson reported the delivery thereof according to order.

The Council now put in nomination persons for the office of Councillor, in the room of Eleazar McComb, Esquire, who had become vacant by rotation, when several persons were brought under consideration, to be balloted for in the afternoon.

Adjourned till 4 o'clock, P. M.

EOD

The Council met, and proceeded, agreeable to order, to ballot for a Privy Councillor, in the room of Eleazar McComb, Esq., out of the persons before put in nomination. [unclear] appeared, upon examining the ballots, that Isaac [unclear] declared duly elected.

Mr. Young, a member of Assembly, was admitted to the Chair the bill for ascertaining the per diem wages of the members of the General Assembly of the Delaware State, for other purposes therein mentioned, with the following resolutions of the House of Assembly thereon, viz :

“IN THE HOUSE OF ASSEMBLY

“MONDAY, A. M.,

“On motion for a second reading of the bill  
“for ascertaining the per diem wages of the  
“General Assembly of the Delaware State, and  
“for other purposes therein mentioned,”

That the same, being a money bill for the support  
ought to have originated in the House of As-  
semble to the sixth section of the Constitution of  
and that House cannot proceed upon the bill afore-

in the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

member also delivered to the Chair a bill in lieu of  
entitled “An act for ascertaining the allowance to  
the General Assembly, and for other purposes.”

by order, the foregoing bill was read the first time.

order, the same was read the second time.

was read a third time, by paragraphs, and will pass.

that the foregoing bill be returned to the House of  
passed to by the Council, by Mr. Polk.

returned, reported the delivery thereof according

a member of Assembly, was admitted and deliv-  
air a resolution of that House for accelerating the  
the public taxes, and a resolution for stating public

member also delivered to the Chair a resolution  
payment of certificates, &c.

member also delivered to the Chair a resolution  
polies to be purchased in the respective Counties  
and also a resolution directing the mode of pay-  
casury.

by order, the foregoing resolutions were severally  
me.

order, the resolution for accelerating the collection  
taxes, was read the second time and concurred in,  
words, viz :

"IN THE HOUSE OF A

"MONDAY, 1

"On motion,

"*Resolved*, That the President be requested  
 "Attorney General to commence suits immediate  
 "of such Treasurers as have not performed the  
 "of them respectively by law, and also, upon the  
 "April next, to commence suits on the bonds of  
 "as shall not by that day have collected their r  
 "of the public taxes now due and paid the same  
 "of their County; and that copies of this reso  
 "transmitted to the President or Commander-in  
 "respective Treasurers within this State, and  
 "Treasurers respectively, as soon as may be aft  
 "such copies, make out and transmit duplicate  
 "Collector of his County.

"Extract from the minutes.

JAS. B.

"Sent for concurrence.

Cl'k

On motion, by order,

The resolution for stating public accounts was  
 time, concurred in, and is as follows, viz :

"IN THE HOUSE OF A

"MONDAY, 1

"*Resolved*, That William Peery, Esq., be an  
 "pointed to settle and state all the accounts be  
 "and the United States, and that for effectually  
 "resolution he be empowered to call for books  
 "ing to the said accounts which have come to t  
 "person or persons in public office; that he ma  
 "the General Assembly as soon as may be, ret  
 "as many original vouchers as can be procured,  
 "cannot be procured, returning authentic copi  
 "best documents that can be obtained, indorsin  
 "them in regular order.

"That the said William Peery be allowed one l



be emitted on the credit of this State, for perform-  
required by this resolve.

m the minutes.

JAS. BOOTH,

ncurrence.

*Cl' k of Assembly."*

y order,

on respecting the payment of certificates was read  
e, concurred in, and is as follows, viz :

" IN THE HOUSE OF ASSEMBLY,

" MONDAY, Feb. 12, 1781.

That no directions be given by the State Treasurer  
urers of the respective Counties of this State, or  
to receive and discharge the receipts, notes, or  
mentioned in an act entitled 'An act for the pay-  
charge of divers receipts, notes, or certificates in  
inhabitants of this State, issued by Francis Wade,  
Quartermaster-General within this State for the  
army, and his agents or assistants, for forage and  
furnished by them to the said department for the  
' until he receive the further orders of the Gen-  
y for that purpose.

m the minutes.

JAS. BOOTH,

ncurrence.

*Cl' k of Assembly."*

y order,

on respecting the purchasing supplies in the res-  
s, &c., was read the second time and concurred  
lows, viz :

" IN THE HOUSE OF ASSEMBLY,

" MONDAY, Feb. 12, 1781.

That the Receivers of Supplies in the respective  
his State, and every of them, forbear all further  
issuing of certificates by virtue of the act entitled  
rocuring an immediate supply of provisions within

"this State for the Army of the United States  
"for other purposes therein mentioned."

"Extract from the minutes.

JAS. B.

"Sent for concurrence.

Cl'k

On motion, by order,

The resolutions directing the mode of payment  
were read the second time and concurred in, and  
viz :

"IN THE HOUSE OF A

"MONDAY, 1

"On motion,

"*Resolved*, That all drafts made or to be made  
"Assembly upon the Treasury shall be paid by  
"suror in order, according to the priority of  
"dates, unless by special directions of the Ge  
"some of a later date be preferred to others of  
"and that at the end of every session the Clerk  
"Assembly deliver to the said Treasurer an abstr  
"made during that session and copies of all spec  
"preferences aforesaid.

"That the drafts in favor of George Craghead,  
"General, for fifty-five thousand dollars, and the  
"the Speakers of the two Houses of the Gener  
"enable the State Treasurer to apply eighty-fiv  
"lars in the purchase of specie for an advance  
"officers of the Delaware Regiment; the draft  
"liam Millan for twenty thousand dollars, and a  
"of the same for fifteen thousand dollars, and t  
"of Isaac Carty for ten thousand dollars, to be p  
"by the State Treasurer, one after the other as  
"tioned in the resolve, in preference to any  
"made by the General Assembly or the Presiden

"*Resolved*, That the State Treasurer withhold  
"ments of the two-thirds of the public tax to  
"Treasury by virtue of the act entitled 'An ac  
"supplies within this State for the Army of the U  
"the ensuing campaign."

"Extract from the minutes.

"JAS. BOOTH, Cl'k

at Mr. Cook return to the House of Assembly  
going resolutions, respectively concurred in by

being returned, reported the delivery thereof ac-  
r.

member of Assembly, was admitted and delivered  
resolution for affixing the Great Seal to the several  
session, together with the said bills therein men-  
tally engrossed and signed by the Speaker of the  
Assembly, in order that the said bills may be signed by  
the Council.

member also delivered to the Chair a resolution for  
that of the General Assembly to Dover ; and also  
resolution of the Council empowering the Speakers  
to draw an order on the State Treasurer in  
part for ten thousand dollars, concurred in by the  
Assembly.

by order, the several bills above mentioned were  
read, and directed to be signed by the Speaker ;  
accordingly done.

by order,

in for affixing the Great Seal to the foregoing bills  
concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,  
“ MONDAY, Feb. 12, 1781.

That the President and Commander-in-Chief affix  
of this State to the following laws, viz :

for calling out of circulation and cancelling the  
State, according to the present apportionment, of  
Credit emitted by Congress, and for emitting and  
bills, according to the resolutions of Congress of the  
March last, and for other purposes ;”

for the protection of the trade of this State on the  
of Delaware ;”

3. "An act to recruit the Regiment of this State in the service of the United States ;"

4. "An act for stating the accounts of the several officers and of Commissioners into whose hands any public money come by virtue of laws passed under the former Government for repealing part of an act entitled 'An act for the relief of Trustees of the General Loan Offices in the several counties of this State ;' "

5. "An act for ascertaining the allowance to the members of the General Assembly, and for other purposes."

"Extract from the minutes.

"JAS. BOOTH, Clerk

On motion, by order,

The resolution respecting the adjournment of the General Assembly to Dover, was read the first time.

By special order, the same was read a second time, amendments were proposed, agreed to, and ordered to be inserted.

*Ordered,* That the several foregoing bills, and resolutions, for affixing the Great Seal to the same, respectively, be returned to the Speaker of the Council, be returned to the Speaker of the Assembly by Mr. Polk, together with the resolution respecting the adjournment to Dover, and the proposed amendments.

Mr. Polk, being returned, reported the delivery of the papers according to order.

*Ordered,* That the Speaker sign a joint order with the Speaker of the Assembly, for the sum of five hundred pounds ; which was done.

Mr. Clark, a member of Assembly, was admitted to the Chair the resolution respecting the adjournment with the amendments proposed thereto by the House of Assembly.

The same member also delivered to the Chair the President to the General Assembly, inclosed

3d and 7th instant, and a circular letter of the President of Congress to the President of this State.

order,

of the House of Assembly respecting the address of the General Assembly to Dover, was read, as concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, P. M., Feb. 12, 1781.

that the General Assembly of this State will meet at Lewes, in the County of Sussex, on the day to which the present sessions may be adjourned, and there sit to transact public business.

the minutes.

JAS. BOOTH,

currence.

*Cl'k of Assembly.*”

that Mr. Conwell return the same to the House of Assembly, as directed in by the Council.

being returned, reported the delivery thereof to the Clerk.

that Messrs. Patterson, Banning, and Cantwell be authorized to consider and report on the accounts brought in at the next meeting, which have not yet been allowed, and that orders be made for the payment of the accounts already allowed.

The following accounts, brought in for the traveling expenses of the members, and other incidental expenses incurred at the meeting, were allowed, and orders were accordingly made for the payment of the same, and the Treasurer is directed to pay the same, viz :

Esquire, for the traveling charges of	
Messrs. Cook and Collins, . . . . .	£ 176 0 0
forward, . . . . .	£ 176 0 0

*Brought over,* . . . . .

To John Clowes, Esquire, for the traveling char  
himself and Messrs. William Polk and W  
Conwell, . . . . .

To Benjamin Vining, Clerk of the Council, . .

To William Scott, for wood furnished the Coun

To Thomas Titus, for his attendance on the Co  
&c., . . . . .

Adjourned till to-morrow morning.

---

TUESDAY, A. M., Febru

The Council met. Present all the member  
McDonough, Clowes, Conwell, and Polk.

The committee to whom the accounts of this  
ferred, now reported as their opinion that the f  
be allowed, viz :

To John Stockton, for boarding Mr. Conwell, .

To Mrs. Esther Mackey, for boarding Mr. Colli

To Mrs. Margaret Bail, for boarding divers of t  
members and feeding their horses, . . .

Which report being agreed to,

*Ordered,* That the Speaker draw orders on t  
in favor of the above mentioned persons for th  
their respective names.

Whereupon the said orders were accordingly  
by the Speaker.

Then the Council adjourned to the 28th day  
meet at the Town of Lewes, in Sussex County.

# UTES OF COUNCIL.

---

JUNE, 1781.





# AND PROCEEDINGS

OF THE

OF THE DELAWARE STATE.

---

JOINED SESSION, JUNE, 1781.

---

of the Council, at the Town of Lewes, in Sussex  
adjournment, on Monday, the 28th day of May,  
1781, a sufficient number of the members to form  
attending, the Council adjourned from day to day  
the fifth day of June, 1781.

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TUESDAY, P. M., June 5th, 1781.

met. Present the following members, viz :

*St. John's County*—Mr. Cantwell, Mr. McDonough.

*St. James's County*—The Hon. Thomas Collins, Mr. Banning.

*St. Andrew's County*—Mr. Polk, Mr. Conwell.

by order,

nt's message to the General Assembly, of the 12th  
st, delivered at their last meeting, inclosing two  
ss of the 3d and 7th of the same month, recom-  
e several States to invest Congress with a power to

levy certain imposts therein mentioned, and also  
 ter from the President of Congress of the 8th of  
 severally read the first time, and the said messs  
 viz :

*"Gentlemen of the General Assembly :*

"Having this moment received a circular lett  
 "sident of Congress, with two acts of that  
 "recommending to the several States to vest  
 "power to levy, for the use of the United States  
 "in the said acts mentioned, I have directed the  
 "the same before your Honors for your consider

"New Castle, 12th Feb., 1781. CÆSAR

On motion, by order,

The petition in behalf of Charles Gordon, for  
 from New York to this State, and Mr. Nicholas  
 ered at the last meeting, were now read a second

Adjourned till to-morrow morning at 9 o'clock

WEDNESDAY, J

The Council met. Present the same members

Adjourned till to-morrow morning at 9 o'clock

THURSDAY, A. M., J

The Council met. Present the same members  
 and also Mr. Clowes.

Messrs. Cantwell and McDonough, two of the  
 pointed at the last meeting to view the premises  
 petition of John Leuden and report thereon at the

now begged a further time to view the same and proceedings thereon ; which was granted. Where-  
adjudged for this purpose until the next meeting

y order,

's message of the 12th February last, and the  
o therein, were read a second time.

t Mr. Clowes return the same to the House of  
inform them that as the said acts of Congress  
ing of money, it would be inconsistent with the  
the Council to act thereon in the first instance.

eing returned, reported the delivery thereof ac-

ember of Assembly, was admitted and delivered  
ill to aid the discontinuance of the process in the  
Sessions of Kent County ; which, by order, was  
e.

der, the same was read a second time, and re-  
clowes, Mr. McDonough, and Mr. Cantwell, to  
the afternoon.

3 o'clock, P. M.

---

EODEM DIE, P. M.

net.

e appointed to report upon the bill to aid the  
of the process in the Court of Quarter Sessions  
Kent, now report as their opinion that the same

ne same was read a third time, by paragraphs,

Mr. Conwell reported the delivery thereof as  
Adjourned till to-morrow morning at 10 o'clock

## EODEM DIE, P. M.

et and proceeded, in a grand committee of the consideration of the bill for raising forty-five thousand dollars in specie or supplies, for the service of the year 1781,

left the Chair.

took the Chair of the Committee.

resumed the Chair.

reported from the committee that they had proposed amendments to the said bill; which were taken into consideration, agreed to, and ordered to be transcribed.

A member of Assembly, was admitted and delivered a bill to dispose of sundry supplies in Sussex County, by order, was read the first time.

That Mr. Cantwell return to the House of Assembly a bill for forty-five thousand dollars in specie, &c., with amendments proposed thereto by the Council, and the circulars of Congress accompanying the said bill.

reported the delivery of the foregoing papers according to order,

by order,

propose of sundry supplies in Sussex County, was read the first time, and sundry amendments were proposed; which were taken into consideration, and agreed to, were ordered to be transcribed.

That Mr. McDonough wait on the House of Assembly with a bill and proposed amendments.

Mr. [Name] reported the delivery thereof according to order.

A member of Assembly, was admitted and returned a bill with amendments proposed by them to the bill for

raising forty-five thousand dollars in specie, &c., agreed to by the House of Assembly, except as to the fourth amendment, and their fifth and sixth amendments.

Adjourned till to-morrow morning at 9 o'clock.

---

SATURDAY, A. M.,

The Council met. Present the same members.

The Council now reconsidered the amendments proposed to them to the bill for raising forty-five thousand dollars in specie, &c., and disagreed to by the House of Assembly. No time spent therein, the further consideration was postponed.

Adjourned till Monday morning at 10 o'clock.

---

MONDAY,

The Council met. Present the same members except Messrs. Polk and Conwell.

Adjourned till 3 o'clock, P. M.

---

EO

The Council met and resumed the consideration of the amendments to the bill for raising forty-five thousand dollars in specie, &c., and receded from such of their amendments as were disagreed to by the House of Assembly, and passed the

ts to the same bill ; which, being agreed to, were transcribed and sent to the House of Assembly, bill and first amendments, by Mr. Baning, for their concurrence.

ll to-morrow morning at 10 o'clock.

---

TUESDAY, A. M., June 12th, 1781.

met. Present the same members as on yesterday, s. Polk and Conwell.

now reported the delivery of the several papers im according to the order of yesterday.

ll 3 o'clock, P. M.

---

EODEM DIE, P. M.

met and adjourned till to-morrow morning at 10

---

WEDNESDAY, A. M., June 13, 1781.

met. Present the same members as on yesterday.

ll to-morrow morning at 10 o'clock.

---

THURSDAY, A. M., June 14th, 1781.

met. Present the same members as on yesterday.

ll 3 o'clock, P. M.

EOD

The Council met.

Mr. Duff, a member of Assembly, was admitted to the Chair the bill for raising forty-five thousand dollars specie, &c., with the further amendments proposed by the Council acceded to by the House of Assembly. The amendments proposed thereto on the part of the Assembly.

The same member also delivered to the Chair a bill to the act entitled "An act for calling out of circulation and cancelling the quota of this State, according to apportionment, of all the Bills of Credit emitted by the Council for emitting and funding new bills, according to the act of Congress of the eighteenth day of March last for the purposes."

On motion, by order,

The bill for raising forty-five thousand dollars with the amendments proposed thereto by the Council acceded to by the House of Assembly and made law. The amendments proposed by the House of Assembly to the bill, were read, and the said amendments were read by the Council, and ordered to be returned, together with the bill, to the House of Assembly, by Mr. Conwell.

On motion, by order,

The supplementary bill to the act entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by the Council, &c.," was read the first time.

On motion of Mr. McDonough, for leave to bring in a bill in way of supplement to the act entitled "An act for establishing fees," the same was granted; whereupon that purpose was laid on the table, and, by order of the Council, adjourned.

Adjourned till 8 o'clock to-morrow morning.



FRIDAY, A. M., June 15th, 1781.

met. Present the same members as on yesterday.

by order,

mentary bill to the act entitled "An act for calling on, &c.," was read the second time.

by order,

way of supplement to the act entitled "An act for establishing fees," was read a second time.

now reported the delivery of the several papers im according to the order of yesterday.

ll 3 o'clock, P. M.

---

EODEM DIE, P. M.

met.

by order, the supplementary bill to the act entitled "An act for calling out of circulation, &c.," was read the third time, and will pass.

by order,

way of supplement to the act entitled "An act for establishing fees," was read the third time, by which it was passed the Council.

that Mr. Cantwell deliver the two foregoing bills to the Assembly.

and reported the delivery thereof according to order.

ll 10 o'clock to-morrow morning.

SATURDAY, A. M.,

The Council met. Present the same members.

Mr. Young, a member of Assembly, was admitted to the Chair a bill for expediting the march for the Delaware Regiment.

On motion, by order, the foregoing bill was read.

By special order, the same was read the second time and postponed for further consideration until the afternoon.

Adjourned till 3 o'clock, P. M.

---

EOD

The Council met and resumed the consideration of the bill for expediting the march of the recruits for the Delaware Regiment and proposed an amendment thereto; which, was ordered to be transcribed.

*Ordered,* That Mr. Clowes wait on the House with the foregoing bill and transcribed amendment.

Mr. Clowes, being returned, reported that he had delivered to the House of Assembly with the above papers and documents.

Mr. Peery, a member of Assembly, was admitted to the Chair an additional supplementary bill, together with the resolutions of the House of Assembly directing that the first class of the Militia hold the militia drill, and for procuring arms.

The same member also delivered to the Chair by a majority of the owners of the Mill Creek in Castle County, with a bill founded thereon, an additional supplementary bill to the act entitled 'An act to enable

certain tract of meadow, marsh and cripple, on  
all Creek, below the Town of New Castle, to keep  
the same and sluices in repair, and to raise a fund to de-  
fract thereof, passed on the twenty-fourth day of  
April of our Lord one thousand seven hundred and  
seventy, by an original act of the said 24th March, 1770; the  
Committee of the House of Assembly respecting the  
same, in an order to view the allotments thereof.

Member also delivered to the Chair the bill for ex-  
emption of the recruits for the Delaware Regiment,  
which was proposed thereto by the Council disagreed  
to by the House of Assembly.

Member also delivered to the Chair a message from  
the General Assembly, of the 7th instant, inclos-  
ing a bill from the President of Congress, of the 1st and  
2nd act of Congress of the 31st ultimo.

By order,

A bill supplementary to the Militia act, was read

and now took into consideration the amendment pro-  
posed and disagreed to by the House of Assembly, to  
amend the march of the recruits for the Delaware  
Regiment. After some time spent thereon receded therefrom;  
the said bill was read by paragraphs and will pass.

That Mr. Polk return the said bill and amendment  
to the House of Assembly, and inform them that the Council  
have approved their said amendment and have agreed to the  
same. That he also return the President's message, and its  
answer to the House of Assembly.

Reported that he had waited on the House of Assem-  
bly with the above papers, according to order.

By order,

Resolved, That the first class of the Militia to hold  
themselves in readiness to march on the shortest notice, was read

Monday next at 9 o'clock.

MONDAY, A. M., J

The Council met. Present the same member

On motion, by order,

The additional supplementary bill to the Mill  
the second time and postponed for consideration  
noon.

On motion, by order,

The supplementary bill to the act entitled "to  
the owners and possessors of a certain tract of  
and cripple on both sides of Mill Creek, below  
Castle, to keep the banks, dams and sluices in re-  
a fund to defray the expense thereof, &c.," and  
tive thereto, were read the first time.

By special order, the said bill was read the  
paragraphs, and will pass.

*Ordered*, That Mr. Conwell return the foregoing  
with the petition and other papers relative thereto  
of Assembly, and inform them that the Council  
the same bill.

Mr. Conwell reported the delivery of the above  
ing to order.

Adjourned till 3 o'clock, P. M.

## EODEM DIE, P. M.

net.

a member of Assembly, was admitted and delivered a resolution of the House of Assembly, notifying to adjourn this evening, with a resolution for the present sessions to Dover, of the present instant ; were read.

now resumed the consideration of the additional bill to the Militia act, and agreed to sundry the said bill, which were ordered to be trans- with the said bill, to the House of Assembly, for on and concurrence, by Mr. McDonough.

y order,

a of the House of Assembly respecting the address of the General Assembly to Dover, was read the concurred in, and is as follows, viz :

HOUSE OF ASSEMBLY, A. M., June 18, 1781.

that the General Assembly of this State meet at Dover, in the County of Kent, on the day to the next session may be adjourned, and there sit for of public business.

n the minutes.

JAS. BOOTH,

currence.

*Cl'k of Assembly."*

at Mr. McDonough return the same to the House with the concurrence of the Council thereto.

ugh now reported the delivery of the several papers to him according to order.

member of Assembly, was admitted and delivered a resolution of the House of Assembly for affixing to six bills passed this session, together with the same, to be read and signed by the Speaker of the

House of Assembly, in order that the same may be signed by the Speaker of the Council.

The same member also delivered to the Chair a resolution appropriating the sum of five hundred and fifty thousand dollars for the discharge of a public debt contracted by Henry M. Dickinson, resolution for ascertaining the amount of certificates of indebtedness furnished the Commissary's or Quartermaster's of the respective Counties for the use of the Continental

On motion, by order,

The resolutions directing that the first class of certificates be read themselves in readiness to march, and for procuring the same to be read the second time and concurred in, and are

" IN THE HOUSE OF REPRESENTATIVES  
" SATURDAY, P. M.,

" On motion,

" *Resolved*, That the President be requested to  
" forthwith directing that the first class of the  
" stand classed in the Militia law, hold themselves  
" to march on the shortest notice to such place  
" Commander-in-Chief of the Continental Army  
" within the States, as directed by the aforesaid

" *Resolved also*, That he be requested to write  
" War, informing them that this State have it  
" to arm, equip, and accoutre the regiment of  
" them by Congress, in their resolution of the  
" that he request the said Board of War to let  
" many arms and accoutrements as will be necessary  
" pose aforesaid.

" Extract from the minutes.

JAS.

" Sent for concurrence.

Cl'k

On motion, by order,

The resolution of the House of Assembly for the Seal to the laws passed this session, was read the

On motion, by order,

of the House of Assembly for appropriating the hundred and fifty pounds to the discharge of a debt Henry Neill, was read the first time.

by order,

of the House of Assembly for ascertaining the quantities for supplies furnished the Commissary's or Departments in the respective Counties of this State of the Continent, was read the first time.

at Mr. Polk return to the House of Assembly the acting that the first class of the Militia hold themselves ready to march, and for procuring arms, with the Council thereto.

ing returned, reported the delivery thereof accord-

by order,

for affixing the Great Seal to the laws passed and is read the second time and concurred in, and is  
viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, P. M., June 18, 1781.

that the President and Commander-in-Chief affix the Great Seal of this State to the following laws, viz :

“ An act to the act entitled ‘An act to enable the possessors of a certain tract of meadow, marsh and other lands on both sides of Mill Creek, below the Town of New Castle, to raise the banks, dams and sluices in repair, and to raise the expense thereof,’ passed on the twenty-fourth day of the year of our Lord one thousand seven hundred and eighty ;”

“ An act to the act entitled ‘An act for calling in and cancelling the quota of this State, according to the proportionment, of all the Bills of Credit emitted by the State, for emitting and funding new bills, according to the act of Congress of the 18th day of March last, and for the redemption of the same ;”

3. "An act for expediting the march of the Delaware Regiment ;"

4. "An act for aiding the discontinuance of proceedings in the Court of General Quarter Peace and Goal Delivery in Kent County ;"

5. "An act for raising seven thousand eight hundred and seventy-five pounds in specie for the service of the State, to be paid in the sum of one thousand seven hundred and eighty-one, by a grant of the State ;"

6. "An act to dispose of sundry supplies of the County for the Army of the United States."

"Extract from the minutes.

JAS.

"Sent for concurrence.

Cl'k

On motion, by order,

The resolution for appropriating five hundred pounds to the discharge of a debt contracted by Col. Mendenhall, was read the second time and concurred in, and is as follows :

"IN THE HOUSE OF ASSEMBLY,

"MONDAY,

"On motion,

"*Resolved*, That the General Assembly of this State do appropriate the sum of five hundred and fifty pounds, in the first monies that shall come into the Treasury, for discharging a contract entered into by Col. H. Mendenhall, certain Thomas Salte for that sum, in pursuance of an act of the Assembly of the Delaware State, entitled 'An act to regulate the trade of the Bay and River of Delaware,' the legal interest arising on that contract.

"Extract from the minutes.

"JAS. BOOTH, Cl'k

On motion, by order,

The resolution for ascertaining the amount of supplies furnished the Commissary's or Quarter Masters, &c., was read the second time and concurred in, these words, viz :



"IN THE HOUSE OF ASSEMBLY,

"MONDAY, June 18, 1781.

That Col. Thomas Duff, of the County of New  
Barratt, of the County of Kent, Esq.; and Wil-  
of the County of Sussex, Esq., be and they are  
nted for the counties in which they respectively  
vertise all such persons within their county as have  
Commissary's or Quartermaster's Departments  
olies for the use of the Continent to bring the cer-  
her vouchers for the articles thus furnished, that  
e an opportunity of taking a copy of the dates  
ates, the sums of money due, and the articles for  
ere given, that the same may be laid before the  
mbly at their next sitting.

m the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

a member of Assembly, was admitted and deliv-  
air certain resolutions of the House of Assembly,  
eceivers of Supplies in the respective Counties of  
ke out exact and complete returns of the quanti-  
of supplies raised or purchased, &c.

ember also delivered certain resolutions, directing  
fines and forfeitures imposed in the respective  
eral Quarter Sessions of the Peace and Courts of  
iner and General Goal Delivery in the respective  
State, to be laid, by the Clerks of the said Courts,  
eral Assembly.

y order,

ons directing the Receivers of Supplies to make  
ns of the quantities and species of supplies raised  
ere read the first time.

der, the same were read the second time and con-  
re as follows, viz :

"IN THE HOUSE OF A

"MONDAY, P. M.,

"On motion,

"*Resolved*, That the Receivers of Supplies  
 "Counties of the State, make out exact and co  
 "the quantities and species of supplies raised or  
 "the act for furnishing supplies, within this St  
 "of the United States, &c., passed the 15th  
 "under the act for procuring an immediate sup  
 "within this State, for the army of the United S  
 "&c., passed the 21st day of June, 1780; spec  
 "where the same are, or may be deposited; an  
 "complete returns of the quantities and species  
 "by them respectively delivered for the use of t  
 "together with receipts or certificates of such  
 "also that the said receivers respectively retur  
 "the outstanding, uncollected supplies, as tax  
 "first mentioned act, specifying the names of  
 "whom they may be due, with the quantity and  
 "ply they may be rated for, and after transmi  
 "returns, aforesaid, to the General Assembly, a  
 "eleventh day of September next.

"That, at the time and place aforesaid, the R  
 "plies for the Counties of New Castle and K  
 "render an account of the application of the  
 "money advanced to them by the State Treasu  
 "of the resolutions and orders of the General A  
 "ruary last.

"Extract from the minutes.

JAS.

"Sent for concurrence.

Cl'k

On motion, by order,

The resolutions directing returns to be made  
 forfeitures imposed in any of the respective C  
 Sessions of the Peace and the several Courts o  
 miner and General Goal Delivery in each of the  
 State, were read the first time.

By special order, the same were read the s  
 curred in, and are as follows, viz :

" IN THE HOUSE OF ASSEMBLY,

" MONDAY, P. M., June 18, 1781.

That the Clerks of the respective Courts of General Sessions of the Peace and also of the several County and Terminer and General Goal Delivery, in the Counties of this State, make out exact and complete returns and forfeitures imposed in any of the courts on the 22d day of February, 1777, and that the County Treasurers report an account of all fines, penalties which they may have received, under any law of this State, since the time aforesaid, and may have disposed of the same, or any part thereof, that the said Clerks and Treasurers transmit the said accounts to the General Assembly, at Dover, on the 1st day of September next.

And, That the respective Lieutenants of the Counties do attend the General Assembly, at their next meeting, on the seventh day of September next, with returns of accounts of all such monies which they may have respectively received, in virtue of their said commissions as Lieutenants, under the act of Assembly entitled, 'An act for raising a Militia within this State,' passed the 15th day of December, 1779, or under the supplement to the same act, passed the 15th day of December, 1779, and in what manner the same may have been disposed of or applied.

In the minutes.

JAS. BOOTH,

in concurrence.

*Clerk of Assembly.*"

A member of Assembly, was admitted and declared a resolution of the House of Assembly resolved, that the President should obtain exact lists of the several Militia in each of the Counties of this State; which, by order, was done at that time.

Under, the same was read the second time and confirmed, as follows, viz :

" IN THE HOUSE OF

" MONDAY, A. M.

" *Resolved*, That the President or Commander  
 " requested to obtain exact lists of the several companies  
 " in each of the Counties of this State, and a  
 " number of men furnished by each company,  
 " embodying the Militia of this State for the purpose of  
 " joining the Army of the United States, passed  
 " 1780, specifying the number of men which  
 " companies of Militia ought to have furnished, but  
 " that the same be laid before the General Assembly  
 " by the tenth day of September next.

" Extract from the minutes.

JAS.

✓ " Sent for concurrence.

CI'

On motion, by order,

The six before mentioned bills, respectively  
 Speaker of the House of Assembly, were read  
 directed to be signed by the Speaker of the Council  
 accordingly done.

*Ordered*, That the said bills and the several  
 resolutions, with the concurrence of the Council  
 be returned, by Mr. McDonough, to the House of Assembly.

Mr. McDonough, being returned, reported  
 on the House of Assembly with the above bills  
 agreeable to order.

Adjourned till to-morrow morning at 9 o'clock.

TUESDAY, A. M.,

The Council met. Present the same members.

Mr. Peery, a member of Assembly, was admitted  
 to the Chair the additional supplementary bill  
 with the amendments proposed thereto by the

the House of Assembly, and a paper of amendment by the House of Assembly to the said amendment.

The Council took into consideration the amendment by each House to the above mentioned bill, and spent therein receded from their amendments by the House of Assembly, and agreed to the proposed by that House to the same bill; whereupon read by paragraphs and passed the Council.

That the said bill and amendments be returned to the House of Assembly by Mr. Polk.

Ordered that he had returned the same according to

3 o'clock, P. M.

---

EODEM DIE, P. M.

met.

A member of Assembly, was admitted and delivered a supplementary bill to the Militia act, engrossed by the Speaker of the House of Assembly, together with a paper for affixing the Great Seal to the said bill.

The foregoing bill was read, compared, and discussed by the Speaker of the Council; which was done.

By order,

That the House of Assembly for affixing the Great Seal to the said bill was read and concurred in, and is as follows:

"IN THE HOUSE OF A

"TUESDAY, P. M.,

"On motion,

"*Resolved*, That the President and Commander  
"the Great Seal of this State to the following l

"An additional supplementary act to the act  
for establishing a Militia within this State.'

"Extract from the minutes. JAS.

"Sent for concurrence. C/A

*Ordered*, That Mr. Polk return the foregoing  
tion, respectively signed by the Speaker of the  
House of Assembly.

Mr. Polk, being returned, reported the de  
cording to order.

Then the Council proceeded to the settlement  
wages and mileage incurred at this present me  
count of their Clerk, and the following allowance

To the Honorable Thomas Collins, Esq., as per  
count, No. 1, . . . . .  
To John Banning, Esq., as per account, No. 2,  
To Thomas McDonough, Esq., do., No. 3, .  
To John Clowes, Esq., do., No. 4, . . . . .  
To William Conwell, Esq., do., No. 5, . . . .  
To Richard Cantwell, Esq., do., No. 6, . . . .  
To William Polk, Esq., do., No. 7, . . . . .  
To Benjamin Vining, Clerk of the Council, No.

*Resolved*, That the Speaker draw orders on  
surer for the payment of the aforesaid respective

Which was accordingly done.

Mr. Cantwell and Mr. Clowes informed the  
had received their commissions as fourth Just

s and Orphans' Courts for the Counties of New  
ex, and thereupon resigned their seats in the

t the Speaker issue writs to the Sheriffs of New  
ex Counties, directing them to hold an election  
of October next in each of the said counties,  
Constitution and Laws of this State, for the  
new member in each of the said counties, in the  
Richard Cantwell and John Clowes, Esquires,  
e become vacant by their acceptance of the said

uncil adjourned to the — day of September  
the Town of Dover.





# TES OF COUNCIL.

Delaware

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OCTOBER, 1781.

11-231

•

# AND PROCEEDINGS

OF THE

## OF THE DELAWARE STATE.

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of the Legislative Council of the Delaware State, Dover, in the County of Kent, on Saturday, the 24th October, in the year of our Lord 1781, a quorum not attending, the Council adjourned from Thursday, the 25th instant.

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THURSDAY, A. M., October 25, 1781.

members attended, viz :

*le County*—

*nty*—Thomas Collins.

*ounty*—William Polk.

of the Sheriff and Inspectors for the County of Kent, in the election of a Councillor to fill the seat of John, Esq., which became vacant on the first day of the year, by rotation, being laid on the table, it appears that John, Esq., was elected a member of the Council of New Castle, according to the Constitution and the laws of the State.

appeared in the Council.

appears, by a return of the said Sheriff and Inspectors.

tors, that Peter Hyatt, Esq., was elected a member of the said County of New Castle, in the place of John Cantwell, Esq., whose seat became vacant by his death, the office of fourth Justice of the Court of Common Pleas and Orphans' Court for the said County, on the first day of October.

Mr. Hyatt attended.

The return of the Sheriff and Inspectors for the County of Kent of the election of a Councillor, being laid before the Council, appears that John Baning, Esquire, whose seat became vacant by rotation, was reelected a member of the Court of Common Pleas and Orphans' Court for the said County of Kent, on the first day of October last.

Mr. Baning attended.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor, being laid before the Council, appears that William Conwell, Esquire, whose seat became vacant by rotation, was reelected a member of the Court of Common Pleas and Orphans' Court for the said County of Sussex, on the said first day of October last.

And it also appears, by the same return, that John Clowes, Esq., (of Broad Creek) was elected a member of the Court of Common Pleas and Orphans' Court for the said County of Sussex, on the said first day of October last.

Mr. Polk attended.

The Council then proceeded to the choice of a Councillor for the County of Sussex. Thomas Collins, Esquire, was chosen.

The Speaker in the Chair, Mr. Benjamin Vining, Esquire, Clerk of the Council.

Mr. Dickinson took the affirmation, and Mr. John Polk took the oath and subscription prescribed by the twenty-second article of the Constitution of the State, and then took their respective seats. [See note on page 10.]

Mr. Benjamin Vining also took the oath and subscription above mentioned, and took the oath of office as Clerk of the Council. [See note on page 11.]

that Mr. Dickinson and Mr. William Polk be a  
wait on his Excellency, the President, and inform  
Council, having met, are ready to receive any busi-  
ness may have to lay before them.

At 3 o'clock, P. M.

---

EODEM DIE, P. M.

met.

He now reported that they had waited on his Ex-  
President, with the message committed to them,  
and that he was pleased, in answer, to say,  
communicated his business to the House of Assem-  
bly, and that the same would, in order, be delivered

At to-morrow morning at 10 o'clock.

---

FRIDAY, October 26, 1781.

met. Present the same members as on yesterday.

At to-morrow morning at 10 o'clock.

---

SATURDAY, A. M., October 27, 1781.

met. Present the same members as on yesterday.

that Mr. Dickinson, Mr. Hyatt, and Mr. William

Polk be a committee to revise the several M  
State, and to bring in a bill for reducing them in  
such alterations and amendments therein as may  
dient.

Adjourned till Monday morning at 10 o'clock

---

MONDAY, A. M., Oc

The Council met. Present the same members  
and also Mr. Cook.

Mr. Bassett, a member of Assembly, was ad  
ered to the Chair certain resolutions of the Ho  
for supplying the post at Christiana Bridge wit  
forage.

On motion, by order, the preceding resolutio  
first time.

By special order, the same were read the seco

The same were read a third time, by parag  
curred in, and are as follows, viz :

“IN THE HOUSE OF A

“SATURDAY, Oc

“WHEREAS it is expected that General Wa  
“part of the army under his command, will sho  
“this State, by the post at Christiana Bridge  
“County ; therefore, for the immediate supply  
“such provisions and forage as may be wanti  
“sion, it is

“*Resolved*, That Brigadier-General Patterson  
“onel Henry Darby, Major James Black, and  
“McClay, be authorized to procure and pur  
“credit of the Delaware State, such provisio  
“they, upon consulting with Deputy Quart

necessary for the supply of the army aforesaid in  
e through this State, not exceeding the sum of  
l pounds, specie, in its value.

also, That the General Assembly will, before its  
le ways and means for the discharge of the debts  
tracted, not exceeding the sum before specified, in  
that the same may be due within four months  
e of contract.

also, That the gentlemen appointed to the service  
der an account of their contracts and application  
s so to be obtained to the President or Command-  
f this State, as soon after as conveniently may be.

om the minutes.

JAS. BOOTH,

ncurrence.

*Cl'k of Assembly."*

at Mr. William Polk return the preceding reso-  
House of Assembly, with the concurrence of the  
D.

ill to-morrow morning at 10 o'clock.

---

TUESDAY, A. M., October 30th, 1781.

met. Present the same members as on yesterday.

w reported the delivery of the resolutions given to  
agreeable to the order of yesterday.

ill to-morrow morning at 10 o'clock.

WEDNESDAY, OCTOBER

The Council met. Present the same members.

The committee appointed to revise the seal of this State, and to bring in a bill for reducing the tax on being engaged in that business, the Council adjourned on the following morning at 9 o'clock.

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THURSDAY, A. M., NOVEMBER

The Council met. Present the same members.

Mr. Conwell attended, took the oath and subscription prescribed by the twenty-second article of the Constitution of this State, and then took his seat in the Council. *[on page 10.]*

Mr. Duff, a member of Assembly, was admitted to the Chair a resolution of the House of Assembly for the appointment of a Committee of Accounts.

On motion, by order, the preceding resolution was read the first time.

By special order, the same was read the second time, and is as follows, viz :

“ IN THE HOUSE OF

“ TUESDAY, OCTOBER

“ On motion,

“ *Resolved*, That Mr. Latimer, Mr. Barratt, and Mr. Duff be a Committee of Accounts, on the part of the Council, that Colonel Duff wait on the Council with a resolution, and propose the appointment of a committee of the body to join the committee aforesaid.

“ Extract from the minutes.

“ JAS. BOOTH, CLERK.



on the Council have appointed Mr. Cook and Mr. [unclear] a committee of their body to join the committee of Assembly above mentioned.

that Mr. Conwell return the said resolution to the Assembly, with the concurrence and appointment of [unclear] hereto.

will to-morrow morning at 10 o'clock.

---

FRIDAY, November 2d, 1781.

met. Present the same members as on yesterday.

tee appointed to revise the several Militia laws of [unclear] to bring in a bill for reducing them into one law, that they had essayed a draught of a bill for that [unclear] was laid on the table for the consideration and [unclear] the Council.

by order, the foregoing bill was read the first time.

of Mr. William Polk, for leave to bring in a bill for Act against desertion and harbouring deserters, or [unclear] in certain cases," the same was granted to him; bill for that purpose was laid on the table, and, by [unclear] first time.

will to-morrow morning at 10 o'clock.

---

SATURDAY, November 3d, 1781.

met. Present the same members as on yesterday.

e, a member of Assembly, was admitted and delivered a message from the President of the 12th Feb- [unclear] closing a circular letter from the President of Con-

gress of the 8th, and two acts of Congress of the same month, for laying an impost of five per cent on imported and prize goods, together with a letter from the President of the 27th July last, urging a compliance with a bill, proposed by the House of Assembly, for the requisitions of Congress.

On motion of Mr. Dickinson, that a committee be appointed to prepare and bring in a bill for preventing persons from committing in seizing and removing goods of the harbors and ports within this State, the same whereupon Mr. Dickinson, Mr. Conwell, and Mr. Mendenhall pointed a committee for that purpose.

Mr. Conwell now reported the delivery of the appointment of a Committee of Accounts, according to the order of Thursday last.

On motion, by order,

The President's message, and its inclosure were read, and the said message is in these words, viz.

*"Gentlemen of the General Assembly :*

"Having this moment received a circular letter from the President of Congress, with two acts of that body recommending to the several States to vest in Congress a power to levy, for the use of the United States, a duty on the said acts mentioned, I have directed the same to be read before your Honors for your consideration."

"New Castle, 12th Feb., 1781.

CÆSAR

On motion, by order,

The bill to vest in Congress a power to levy a duty on imported and prize goods, &c., was read the first time.

On motion of Mr. Wm. Polk, for leave of absence till the next day afternoon next, the same is granted to him.

Adjourned till Monday morning at 10 o'clock.

MONDAY, November 5th, 1781.

met. Present the same members as on Saturday,  
William Polk.

tee appointed to prepare and bring in a bill for  
ences committed by persons concerned in seizing  
ssels out of the ports and harbors of this State, now  
they had essayed a draught of a bill for that pur-  
was laid on the table, for the consideration and  
the Council.

by order, the foregoing bill was read the first time.

by order,

f Congress of the 3d and 7th of February last,  
g to the several States to vest in Congress a power  
s on imported and prize goods, and the bill founded  
severally read the second time.

till to-morrow morning at 10 o'clock.

---

TUESDAY, A. M., November 6, 1781.

met. Present the same members as on yesterday,

, a member of Assembly, was admitted and de-  
Chair a resolution for the nomination of persons to  
for as President and Commander-in-Chief of this

by order,

r establishing a Militia within this State, was read  
e.

of Mr. Conwell, for leave to bring in a bill for aid-  
ntinuance of the process in the Court of Quarter

Sessions in the County of Sussex, the same was upon a bill for that purpose was laid on the table read the first time.

On motion, by order,

The resolution of the House of Assembly for of persons to be balloted for as President and Chief of the State, was read the first time.

By special order, the same was read a second time, and is as follows, viz :

" IN THE HOUSE OF  
" MONDAY, P. M., 5th Nov.

" On motion,

" *Resolved*, That the House of Assembly will meet in the Council Room, to-morrow, in the afternoon, for the purpose of putting proper persons into nomination as President and Commander-in-Chief of this State, being now become vacant by the expiration of the term of office of the late President, Caesar Rodney, Esquire, agree to the resolution of the State.

" Extract from the minutes.

JAS. M.

" Sent for concurrence. *Cl'k of the House*

*Ordered*, That Mr. Banning return the message with the concurrence of the Council thereto, to the House of Assembly ; and inform them that the Council will receive the House of Assembly in the Council Room at 3 o'clock this afternoon, if assented to by the House.

Mr. Banning, being returned, reported that he had delivered the said resolution and message, according to order, to the House of Assembly.

Adjourned till 3 o'clock, P. M.

## EODEM DIE, P. M.

met.

of Assembly, agreeable to the order of the day, in the Council Chamber, for the purpose of putting persons to be balloted for as President and Chief of this State, when the names of several were taken down for the consideration of the members.

That the General Assembly now separate, and meet in the Assembly Room, in half an hour, to ballot for a President in the place of President of this State.

House of Assembly withdrew.

At the proposed time of meeting, met in the Assembly Room, and there, in the presence of the members of both Houses then present, to wit: the Council and nineteen of the House of Assembly, and tickets with the name of the President to be appointed the same into a ballot-box, the Speakers of the House in the presence of the other members, examined the tickets and it appeared that there were twenty-five votes out of thirty in favor of John Dickinson, Esquire; whereupon John Dickinson, Esquire, is declared duly elected President for the term of three years next ensuing, and to preside at the next General Assembly thereafter, and no alteration in the Constitution or system of government.

Council withdrew, and adjourned till to-morrow at ten o'clock.

WEDNESDAY, A. M., November

The Council met. Present the same members and also Mr. Polk.

On motion, by order,

The bill for more effectually punishing offences committed in taking vessels out of the State, was read the second time.

By special order, the same was read a third time, by paragraphs, and will pass.

*Ordered*, That the same be transcribed and of Assembly, for their consideration and concurrence; Hyatt;

Who, being returned, reported the delivery to order.

On motion, by order,

The bill for aiding the discontinuance of the Court of Quarter Sessions in the County of Suffolk, was read the second time.

On motion, by order,

The bill for establishing a Militia within this State, was read the third time, by paragraphs, and will pass.

*Ordered* that the same be transcribed.

On motion, by order,

The bill for aiding the discontinuance of the Court of Quarter Sessions in the County of Suffolk, was read the third time, by paragraphs, and will pass.

*Ordered*, That the same be transcribed and of Assembly, for their consideration and concurrence.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

met.

w reported the delivery of the bill for aiding the  
of the process in the Quarter Sessions in Sussex  
ing to order.

ll to-morrow morning at 10 o'clock.

---

THURSDAY, A. M., November 8th, 1781.

met. Present the same members as on yesterday.

at Mr. Baning deliver to the House of Assembly  
blishing a Militia within this State.

reported the delivery of the same according to

ll 3 o'clock, P. M.

---

EODEM DIE, P. M.

met.

member of Assembly, was admitted and delivered  
tain resolutions of the House of Assembly for the  
e trade of the River and Bay of Delaware.

by order, the foregoing resolutions were read the

by order,

The bill to vest in Congress a power to levy ported and prize goods, &c., was read a third time, and some amendments were proposed.

*Ordered*, That the same be transcribed and well, to the House of Assembly, for their concurrence, together with the President's message.

Adjourned till to-morrow morning at 10 o'clock.

---

FRIDAY, A. M., November 11, 1792.

The Council met. Present the same members as yesterday.

Mr. Conwell now reported the delivery of the bill committed to him, according to the order of yesterday.

Mr. Bryan, a member of Assembly, was admitted to the Chair a bill for raising twenty-three hundred and twenty-five pounds, in specie, for the year one thousand seven hundred and eighty-two.

The same member also returned to the Chair the discontinuance of the process in the Court of Sessions in the County of Sussex, agreed to by Assembly.

*Ordered* that the said bill be engrossed.

On motion, by order,

The bill for raising twenty-three thousand two hundred and twenty-five pounds, in specie, for the service of the year one thousand seven hundred and eighty-two, was read.

Mr. Molleston, a member of Assembly, was admitted to the Chair a resolution of the House respecting the adjournment of the present session, was read, and is in these words, viz:



HOUSE OF ASSEMBLY OF THE DELAWARE STATE,  
"FRIDAY, November 9th, 1781.

That this House intend to adjourn the present  
morning afternoon to some distant day; and that  
it wait on the Council with a copy of this resolu-  
tion information.

from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

That Mr. McDonough and Mr. Hyatt be a com-  
missioners of the premises mentioned in the petition of John  
that they, or any one of them, make report of their  
business at the next sitting of the Council.

by order,

against desertion and harbouring deserters, or dealing  
in such cases, was read the second time.

by order,

resolutions of the House of Assembly for the protection  
of the River and Bay of Delaware, were read the

second order, the same were read a third time, by para-  
graph amendment was proposed and agreed to, and  
transcribed.

That the foregoing resolutions and transcribed amend-  
ment for concurrence, to the House of Assembly by Mr.

returned, reported the delivery thereof according

a member of Assembly, was admitted and deliv-  
ered the President's message of the 12th February,  
circular letters and acts of Congress therein referred  
to the bill to vest in the Congress of the United

States a power to levy duties of five per centum on certain goods and merchandise imported into the State, and prize goods condemned in the Court thereof, and for appropriating the same, and the proposed thereto by the Council disagreed to by the Assembly.

Adjourned till 3 o'clock, P. M.

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EOD

The Council met.

Doctor Clayton, a member of Assembly, was delivered to the Chair the resolutions for the protection of the River and Bay of Delaware, with the amendments thereto by the Council acceded to by the House.

On motion, by order, the foregoing resolutions were read and concurred in, and are as follows,

"IN THE HOUSE OF ASSEMBLY

"THURSDAY, A. M., November 10, 1793

"On motion,

"*Resolved*, That the Speakers of the two Houses of the General Assembly of Delaware draw their order on the Treasurer in favor of Mr. Charles Pope for the sum of five hundred pounds in specie, to be paid out of the monies in the Treasury, or first may come into the Treasury, to be by the said Charles Pope, for the purpose of protecting the trade of the Bay of Delaware.

"*Resolved also*, That the said Charles Pope be authorized to take the command of the State schooner "Wilmington, her tackle, apparel and furniture, and ammunition and other articles, as belong to the said schooner, and the State barge, or long-boat, at the Cross-Roads near the town of Kent, and put the said vessels into proper order.

the aforesaid, and to recommend one suitable person as a Lieutenant of Marines, and to procure or otherwise, forty suitable men to serve on board of seamen and marines, until discharged by the Commander-in-Chief of the State; the officers be allowed the like pay, rations, and emoluments, as to the same rules, regulations and provisoes, as by the act of Assembly of this State, entitled, 'An Act for the protection of the trade of this State on the River Delaware.'

Charles Pope, as captain and commander of said persons so recommended, to be commissioned under the said act directs.

So, That the said vessel cruise on the Bay and Delaware only, and shall be under the direction and of the President or Commander-in-Chief of the State, and empowered to give the officers such instructions at any time as he shall judge most likely to answer the purpose of protecting the trade of this State on the aforesaid

That the said Charles Pope shall render and settle up the sum of his application of the aforesaid sum of money to the President or Commander-in-Chief of the State. In the minutes.

Consideration and concurrence.

"JAS. BOOTH, *Clk of Assembly.*"

That the foregoing resolutions and amendment be referred to Mr. Polk, to the House of Assembly, with the concurrence of the Council to the said resolutions.

Mr. Polk returned, reported the delivery thereof according

by order,

Raising twenty-three thousand six hundred and thirty pounds, in specie, for the service of the year one thousand seven hundred and eighty-two, was read the second

and to-morrow morning at 10 o'clock.

SATURDAY, A. M., November

The Council met. Present the same members.

On motion, by order,

The bill for raising twenty-three thousand twenty-five pounds, in specie, for the service of the year ending on the first day of January, 1861, and for the purpose of raising the sum of ten thousand seven hundred and eighty-two, was read by paragraphs, and sundry amendments were proposed, and ordered to be transcribed.

Mr. White, a member of Assembly, was admitted to the Chair a bill entitled "An additional act to the act entitled 'An act for calling out and cancelling the quota of this State, according to the proportionment, of all the Bills of Credit emitted by the House of Assembly for emitting and funding new bills, according to the act of Congress of the eighteenth day of March 1861, for the purposes.'"

Mr. Duff, a member of Assembly, was admitted to the Chair a memorial of Captain James Moore, for the immediate advance of money toward his pay, with the House of Assembly for the payment of fifty pounds to Captain James Moore.

On motion, by order,

The bill entitled "An additional supplement to the act entitled 'An act for calling out of circulation and cancelling the quota of this State, according to the present act of Assembly, of all the Bills of Credit emitted by Congress, &c.,' first time.

By special order, the foregoing bill was read and postponed for further consideration till the next meeting.

On motion, by order,

The memorial of Capt. James Moore, of the 1st Regiment, and the resolution of the House of Assembly thereon, were severally read the first time.

order, the same were severally read the second time, resolution was concurred in, and is in these words,

“ IN THE HOUSE OF ASSEMBLY,  
“ SATURDAY, November 10th, 1781.

he resumed the consideration of the memorial of Moore, of the Delaware Regiment, and thereupon That the Speakers of both Houses of the General Law an order on the State Treasurer for the pay-pounds, specie, to the said Capt. Moore, he to be

om the minutes.

“ JAS. BOOTH, *Cl'k of Assembly.*”

ressed to the President of the State of Delaware, McKennan, Captain in the Regiment of this State, ear York, October 26, 1781, was opened in Council, l, ordered, on motion, that the same be sent to the embley, with the following verbal message, viz :

judge it proper to communicate to you a letter Kennan, respecting a detachment of the Regiment nder his command, whose wants require immediate elief.

at Mr. Conwell wait on the House of Assembly oing letter and message, and return the bill for y-three thousand six hundred and twenty-five e service of the year one thousand seven hun- ty-two, with the amendments proposed thereto, s memorial, and the resolution of the House of nded thereon, concurred in by the Council.

ill 3 o'clock, P. M.



esaid, who was slain in the service of the United  
battle of Germantown, in October, 1777, for the  
pounds, specie, as so much of the half pay of the  
olland, agreeably to a resolution of Congress of  
ust, 1780.

m the minutes.

JAS. BOOTH,

ncurrence.

*Cl'k of Assembly."*

by order,

ons of the House of Assembly for completing the  
ment, were read the second time and deferred for  
until Monday next.

of Mr. John Polk, for leave of absence during the  
he present sessions, the same was granted to him.

ill Monday morning at 10 o'clock.

---

MONDAY, November 12th, 1781.

met. Present the same members as on Saturday,  
an Polk.

at Mr. Baning return to the House of Assembly  
d "An additional supplementary act to the act  
ct for calling out of circulation and cancelling the  
State, according to the present apportionment, of  
f Credit emitted by Congress, &c.," with the  
dments proposed thereto by the Council; Mrs.  
d's petition, and the resolution of the House of  
ded thereon, concurred in by the Council.

reported the delivery thereof according to order.

l now proceeded to the third reading, by para-  
resolutions for completing the Delaware Regi-  
dry amendments were proposed, agreed to, and  
transcribed.

*Ordered*, That Mr. Cook return the foregoing transcribed amendments to the House of Assembly for their consideration and concurrence.

The Council now took into consideration the bill proposed by them, and disagreed to by the House of Assembly the bill to vest in the Congress of the United States the levy duties of five per centum ad valorem on merchandise imported into this State, &c., and the sum spent therein adhered to their said amendments and proposed some additional amendments now proposed.

*Ordered*, That Mr. Cook also return the said amendments to the House of Assembly, for their consideration and concurrence.

Mr. Cook, being returned, reported the delivery of the papers committed to him, according to order.

Adjourned till to-morrow morning at 10 o'clock.

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TUESDAY, A. M., November 10, 1863.

The Council met. Present the same members as yesterday.

Mr. Latimer, a member of Assembly, was called to the Chair the additional supplemental bill entitled "An act for calling out of circulation the quota of this State, according to the present value of all the Bills of Credit emitted by Congress and amendments proposed thereto by the Council of the State and amendments offered by the House of Assembly and amendments proposed amendments of the Council.

The same member also delivered to the Chair the resolutions of the House of Assembly respecting the Delaware Regiment.

The Council now took into consideration the bill proposed by the House of Assembly to their amendments.



bill to the act entitled "An act for calling out of cancelling the quota of this State, according to portionment, of all the Bills of Credit emitted by" and after some time spent therein agreed to the

by order,

ons of the House of Assembly respecting the offi- aware Regiment, were read the first time.

nder, the same were read the second time, by par- some amendments were proposed, agreed to, and ranscribed.

at Mr. William Polk return to the House of As- going supplementary bill and its amendments, the preceding resolutions and the amendments to by the Council, for their consideration and con-

ported the delivery thereof according to order.

a member of Assembly, was admitted and deliv- air the resolutions for completing the Delaware the amendments proposed thereto by the Coun- ded to by the House of Assembly, with a paper s offered by the House of Assembly to the said f the Council.

took into consideration such of their amendments g resolutions as were disagreed to by the House and also the amendments proposed by that House nendments, and after some time spent therein they ir fourth amendment, receded from their seventh, o the amendments proposed by the House of As-

at Mr. Baning return the foregoing resolutions, l papers of amendments proposed thereto, to the mbly.

reported the delivery thereof according to order.

ill 3 o'clock, P. M.

EOR

The Council met.

Mr. Vandyke, a member of Assembly, was delivered to the Chair a resolution of the House the payment of one hundred pounds to each from this State to Congress, and the following viz :

*"Gentlemen :*

*"The Assembly propose to your honorable Houses meet in the Council Chamber, at afternoon, to receive the answer of John D to his acceptance of the office of President an Chief of this State, to which he has been ele appoint, by ballot, persons to supply two va the Delaware Regiment.*

*"Tuesday, 13th Nov., 1781."*

On motion, by order,

The resolution of the House of Assembly for one hundred pounds to each of the Delegates Congress, was read the first time.

By special order, the same was read the second time, and is in these words, viz :

*" IN THE HOUSE OF "*

*" TUESDAY, NOV "*

*" On motion,*

*"Resolved, That the Speakers of both Houses of the Assembly draw their order on the State Treasury of the Honorable Thomas Rodney, Nicholas Thomas McKean, Esquires, the Delegates from the Congress, for the sum of one hundred pounds each, to be respectively to be accountable.*

*" Extract from the minutes.*

JAS.

*" Sent for concurrence.*

CI' A

that Mr. Conwell return the foregoing resolution, by the Council, and deliver to the House of Assembly an answer from the Council to their verbal message :

will be ready to receive your honorable House, your proposal, in the Council Room, at five o'clock

now reported the delivery of the foregoing message to the House of Assembly, according to

the meeting of the General Assembly in the Council Chamber, agreeable to the order of the day, Mr. Dickinson took his leave of Council, in consequence of his appointment to the office of President, in the following words, viz :

Mr. Dickinson: I am now to take my leave of you and the members of the Council, as a member of this body ; and now, I beg permission to return my thanks to you for the very attentive and respectful treatment I have received, while I have had a seat here.

Gentlemen, are witnesses, with how much reluctance I have separated from you. I expected, intended, and been perfectly contented, to have continued among you, had been the pleasure of the General Assembly ; and wherever station I serve the State, or wherever I may be, I beg you all, gentlemen, to be assured, that I ever have a grateful and affectionate remembrance of your friendship towards me, and I pray Heaven to bless every one of you in your public and private capacities."

The General Assembly met the Council in the Council Chamber, agreeable to the order of the day, to receive the answer of Mr. Dickinson, Esquire, as to his acceptance of the office of President of this State, to which he had been elected. Whereupon Mr. Dickinson arose and addressed the General Assembly on the occasion of his appointment to the said office in the following speech, viz :

*"Gentlemen of the General Assembly :*

"I thank you for the honour you have conferred  
 "electing me President of this State. The post,  
 "think so great an honour, as the *manner* in which  
 "stowed it. *That* conveys a proof of your esteem  
 "to be very valuable and powerful. I give up my  
 "a retired life, to which I am called by so many and  
 "considerations, to your pleasure.

"One *apprehension* I cannot dismiss, that I shall  
 "to fill the station to which I am appointed, so  
 "as I wish, or as you may perhaps expect. I will  
 "compensate for deficiencies in other respects, by my  
 "attachment to the common cause, and the love of  
 "which shall be added all the application my health  
 "still, I must request your favorable interpretation  
 "duct, and rely, in a great measure, for success on

"Any mistakes I may commit will be of my judgment  
 "of my intention, and I confide in the candour of  
 "men, that circumstances, unavoidable in the present  
 "contest, will not be imputed to errors in administration

"What laws, now in force, are to be altered or  
 "what new ones are to be made, it will be your business  
 "men, to determine. It will be mine to see that the  
 "wisdom of the Legislature approves effectual  
 "execution.

"If, in my attempts to discharge this complicated  
 "part of it escapes my attention, I ask, and shall be  
 "gratefully receive your advice or information.

"As it does not appear to me inconsistent with  
 "will be a pleasing employment to consult the wishes of  
 "people of the State, as far as can be done with  
 "our exertions in maintaining this just and necessary  
 "men of sense and virtue cannot desire.

"May a happy harmony, in sentiment and measure  
 "official to society, always prevail among us, or, in  
 "division, let it only be between those who generate  
 "for the freedom, independence and prosperity of  
 "and such as weakly wish for a dangerous and di-

emies so infatuated as to hate where they ought  
 and to provoke their own and pursue the ruin of  
 though nature and policy point out that we should  
 one to the other.

things, gentlemen, let us seriously endeavor to re-  
 ourselves and our cause to the adorable Providence  
 graciously conducted us thus far, through a wilder-  
 nities, and made, as it were, the sea to give way  
 and therefore let us more and more promote a spirit  
 ce, equity and liberality, and heartily join together  
 ng every kind of vice and immorality, being as-  
 Righteousness exalteth a nation, but Sin is a re-  
 y people.' "

*unanimously*, That a certificate of the appointment  
 nson, Esquire, to the office of President of this  
 by the Speakers of the two Houses, and sealed  
 Seal of the State, be made out and delivered to

that the Speaker of the Council be authorized to  
 well the qualification of allegiance and declaration  
 ized by the twenty-second article of the Constitu-  
 ute, to the Honorable John Dickinson, Esquire, as  
 ath of office, to wit :

Dickinson, do affirm that I will well and truly, ac-  
 ne best of my abilities and judgment, execute the  
 sident of the Delaware State agreeable to the Con-  
 Laws thereof."

General Assembly proceeded to the nomination of  
 oalloted for to supply two vacant ensigncies in the  
 ment, when two persons were named for the con-  
 ne General Assembly.

the General Assembly, there being no more than  
 ominated to fill the said vacancies, proceeded to  
 d it appeared that John Vaughn and John Platt  
 dully elected to fill the said vacancies.

On motion,

*Resolved*, That the said John Vaughn be considered in rank.

On motion,

*Resolved*, That the General Assembly now separate.

Then the House of Assembly withdrew.

Mr. Duff, a member of Assembly, was admitted to the Chair the certificate of the appointment of John Esquire, to the office of President of this State, signed by the Speaker of the Council; which was done; and the said certificate was returned by the Speaker in order to be signed by the Speaker of the House.

The bill for aiding the discontinuance of the Court of General Quarter Sessions in Sussex County, as grossed, was read, compared, and ordered to be compared to the original bill, to the House of Assembly, for comparison. The bill, as signed by the Speaker of the House of Assembly,

Who, being returned, reported the delivery thereof to order.

On motion,

WHEREAS Congress, by their proclamation dated of —, have recommended to the several States, Thursday, the thirteenth day of December next, as a day of public Thanksgiving and Prayer; therefore,

*Resolved*, That the thirteenth day of December be set apart throughout this State as a day of public Thanksgiving and Prayer to Almighty God for the purposes intended in the cited proclamation of Congress mentioned, and the President be requested to publish the same by proclamation.

*Ordered*, That Mr. William Polk deliver the resolution to the House of Assembly, for consideration.

Mr. Polk reported the delivery thereof accordingly.

Mr. Read, a member of Assembly, was admitted to the Chair a resolution of the House of Assembly.

deal to four laws passed this session, together with  
respectively signed by the Speaker of the House  
in order to be compared and signed by the Speaker  
and the several original bills and amendments.

member also delivered to the Chair the certificates  
of John Dickinson, Esquire, to the office of  
this State, respectively signed by the Speakers of  
in order that the same may be delivered by the  
Council to Mr. President ; and also the following  
signed by the Speaker of the Council, viz :

Edney, Nicholas Vandyke, and Thomas  
Esquires, Delegates from this State to

£100 each, . . . . .	£ 300 0 0
David Hall, . . . . .	100 0 0
Joseph Vaughn, . . . . .	100 0 0
Patton, . . . . .	75 0 0
Jacquet, . . . . .	100 0 0
Robert Kirkwood, . . . . .	100 0 0
James Moore, . . . . .	60 0 0
Learmouth, . . . . .	60 0 0
Wilson, . . . . .	60 0 0
El Powell Cox, . . . . .	60 0 0
George Parvis, . . . . .	60 0 0
Charles Kidd, . . . . .	40 0 0
James Campbell, . . . . .	40 0 0
John Horsman, . . . . .	40 0 0
John Skillington, . . . . .	40 0 0
Edward Roche, . . . . .	40 0 0
Henry Duff, . . . . .	40 0 0
Thomas Anderson, . . . . .	40 0 0
Ben Gilder, . . . . .	60 0 0
Stephen McWilliam, . . . . .	30 0 0
James Vaughan, . . . . .	30 0 0
John Platt, . . . . .	30 0 0
John Holland, . . . . .	40 0 0

---

£ 1545 0 0

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the said orders were directed to be signed by the  
Council ; which was accordingly done.





thirteenth day of December next, to be observed  
 Thanksgiving and Prayer, with the concurrence of  
 Assembly thereto.

Member also delivered to the Chair the resolutions  
 of Assembly for completing the Delaware Regi-  
 amendments proposed thereto by the Council  
 the House of Assembly.

Member also delivered to the Chair a resolution of  
 Assembly empowering the President to draw for  
 ingent services; and also certain resolutions of the  
 mbly for the pay and clothing of the Delaware

Member also delivered to the Chair a resolution of  
 Assembly for the payment of one hundred pounds  
 an, together with an order, signed by the Speaker  
 of Assembly, for thirteen hundred pounds, specie,  
 George Craghead, Esq., the Clothier-General of this  
 to be signed by the Speaker of the Council.

by order,

ns of the House of Assembly respecting the offi-  
 aware Regiment, as amended, were read and con-  
 are as follows, viz :\*

by order,

on empowering the President to draw for money  
 services, was read, concurred in, and is as follows,

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, November 13, 1781.

That his Excellency, the President and Com-  
 chief of this State, be and he is hereby empowered  
 orders on the State Treasurer for any sum, not ex-  
 thousand pounds, in order to defray expenses for

---

ns are not recorded.

"contingent public services that may arise in  
 "present General Assembly, he to be accountable."

"Extract from the minutes.

JAS.

"Sent for concurrence.

CI'K

On motion, by order,

The resolutions of the House of Assembly  
 clothing of the Delaware Regiment, were read  
 and are as follows, viz :

"IN THE HOUSE OF A

"TUESDAY, 13th N

"On motion,

"*Resolved*, That the Speakers of the two Ho  
 "eral Assembly draw their order in favor of C  
 "Esq., the Clothier of the State, on the State T  
 "hundred and seventy-five pounds, in specie, f  
 "an immediate supply of two hundred shirts, on  
 "waistcoats, one hundred pair of woolen over  
 "pair of socks, one hundred pair of shoes, fift  
 "blankets, for the use of the detachment und  
 "of Capt. McKennan."

"That the Speakers, aforesaid, draw their o  
 "Treasurer, in favor of the Clothier-General, a  
 "hundred and twenty-five pounds, like money  
 "of a supply of one hundred and fifty coats,  
 "fifty woolen waistcoats, one hundred and fifty  
 "three hundred shirts, one hundred and fifty l  
 "and fifty pair of socks, and three hundred pai  
 "use of the Delaware troops in the Southern  
 "command of General Green."

"That the Clothier-General make applicatio  
 "War, in order to obtain the above articles  
 "many of them as may be procured in that  
 "said George Craghead make exact and partic  
 "articles he may so procure, and also render  
 "expenditure of the money he may receive, to  
 "sembly, at their next meeting."

"That orders be drawn, in manner aforesaid

the Delaware Regiment, for the following sums of specie, on account of their pay, to wit: to Colonel one hundred pounds; Lieutenant-Colonel Joseph one hundred pounds; Major John Patten, seventy; Captains Robert Kirkwood and Peter Jaquet, hundred pounds; Captains John Learmouth, John Daniel Powel Cox and George Parvis, sixty pounds, in James Moore, ten pounds in addition to the fifty ordered to be paid to him by this present General Asa Ruben Gilder, Surgeon, sixty pounds; Lieutenants, James Campbell, Joseph Horsman, Elijah Skil-Charles Kidd, Edward Roche and Thomas Anderson, s each; Ensign Stephen McWilliam, thirty pounds; Laughn and John Platt, volunteers in the said regi- pounds each."

order be drawn, in the same manner, for the pay- month's pay for the non-commissioned officers and the Delaware troops in the Southern army, afore- a person as shall be appointed by the President of o receive the same, and to be by such person im- mitted to them.

recommended to the President to issue his orders rs of the Delaware Regiment now in the State (Cap- excepted), and not prisoners of war, that as soon as everally receive the sum directed to be drawn on as above mentioned, they do repair to their regi- t the officers thereof, now with General Green may, k proper, apply for leave of absence for a time, and supplied by such as are within the intent of this

om the minutes.

JAS. BOOTH,

oncurrence.

*Cl'k of Assembly."*

by order,

ion of the House of Assembly for the payment of pounds to William Millan, was read, considered,

that the order in favor of George Craghead, Esq., hundred pounds, be signed by the Speaker.

*Ordered*, That the several bills and resolutions, respectively signed by the Speaker of the House of Assembly by Mr. Co

Who, being returned, reported the delivery to order.

Adjourned till 9 o'clock to-morrow morning

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WEDNESDAY, NOVEMBER

The Council met. Present the same members

The Speaker of the Council now waited on Mr. being returned, reported to the General Assembly administered as well the qualification of allegiance of faith, prescribed by the twenty second constitution of this State, as the oath (or affirmation) Excellency, John Dickinson, Esquire, President of the State, in pursuance of certain resolutions of the Assembly of yesterday.

Thereupon

*Ordered*, That the Speaker issue a writ to the Castle County, directing him to hold an election on the 20th day of December next, agreeable to the Constitution and Laws of this State, for the choosing of one member of the Legislative Council for the said county, in the person of John Dickinson, Esquire, whose seat became vacant by the death of the late President of this State.

Which was accordingly done.

Then the Council proceeded to the settlement of the wages and mileage of their members at their private expenses. The following accounts were allowed, viz :

able Thomas Collins, Esq., for 23 days' attendance in Council, . . . . .	£ 25 7 6
g, Esq., for 20 days' attendance, . . . . .	17 10 0
tt, Esq., for 23 days' attendance and . . . . .	21 12 6
onwell, Esq., for 16 days' attendance . . . . .	15 16 0
ge, . . . . .	20 0 0
Esq., for 20 days' attendance and . . . . .	15 8 6
, Esq., for 17 days' attendance and . . . . .	19 9 6
olk, Esq., for 21 days' attendance and . . . . .	20 9 6
inson, Esq., for 21 days' attendance . . . . .	23 10 0
ge, . . . . .	
Vining, Esq., for 20 days' attendance . . . . .	
&c., . . . . .	
	<hr/>
	£ 179 3 6

that the Speaker draw orders on the State Treasury of the aforesaid several sums.

Accordingly done.

Council adjourned till the 2d day of January next, to the town of Dover.



# UTES OF COUNCIL.

---

JANUARY, 1782.





# AND PROCEEDINGS

OF THE

IL OF THE DELAWARE STATE.

---

URNED SESSION, JANUARY, 1782.

---

g of the Legislative Council of the Delaware State,  
Dover, on Wednesday, the 2d day of January, in  
r Lord one thousand seven hundred and eighty-  
t number of the members to form an House not  
Council adjourned from day to day until Wednes-  
stant.

---

WEDNESDAY, January 9th, 1782.

met. Present the following members, viz :

*stle County*—Mr. McDonough, Mr. Hyatt.

*ounty*—The Hon. Thomas Collins, Mr. Baning.

*County*—Mr. John Polk.

hat the Council adjourn till Tuesday next, at three  
afternoon.

TUESDAY, P. M., Jan

The Council met, but a quorum of the members of the Council adjourned from day to day until the next instant.

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TUESDAY, Janu

The Council met. Present the same members as last, and also Mr. Cook and Mr. William Polk.

The return of the Sheriff and Inspectors from New Castle, of the election of a Councillor to John Dickinson, Esq., which became vacant by the death of the office of the President of this State, being made, it appears that Isaac Grantham, Esq., a member of the Council, on the twentieth day of January, 1777, was agreeable to the Constitution and Laws of the State.

Mr. Grantham appeared, took the oath and declaration prescribed by the twenty-second article of the Constitution of this State, and then took his seat.  
[See note on page 10.]

On motion,

*Ordered*, That Mr. McDonough and Mr. Cook be appointed a committee to wait on his Excellency, the President, and inform him that the Council, having met, are ready to transact business he may have to lay before them.

The committee, being returned, reported that they had waited on the President with the message committed to them, and that he was pleased, in answer, to order, and that he was pleased, in answer, to lay some business of great importance before the Council, which, in due course, would come before the Council.

The committee appointed to view the premises

John Leuden, now reported that they had viewed  
are of opinion that the prayer of the said petition,  
orth, may be granted ; whereupon,

of Mr. McDonough, that a committee be appointed  
d bring in a bill founded on the said petition, the  
ted.

en chosen : Mr. Hyatt, Mr. McDonough, and Mr.

ill 3 o'clock, P. M.

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EODEM DIE, P. M.

met and adjourned till to-morrow morning.

---

WEDNESDAY, A. M., January 23d, 1782.

met. Present the same members as on yesterday.

tee appointed to prepare and bring in a bill found-  
ion of John Leuden, now laid on the table a bill for  
ntitled "A further supplementary act to the act en-  
or the better regulation of the roads in New Castle  
rich, by order, was read the first time.

ill 3 o'clock, P. M.

Eo

The Council met.

On motion, by order, the bill entitled "A supplementary act to the act entitled 'An act for the better roads in New Castle County,' " was read the second time.

By special order, the same was read a third time, and will pass.

*Ordered*, That the said bill, together with a copy of the same, be sent to the House of Assembly, for their consideration.  
Mr. Cook;

Who, being returned, reported the delivery of the same to order.

Adjourned till to-morrow morning at 10 o'clock.

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THURSDAY, JANUARY 10, 1888.

The Council met. Present the same members as yesterday.

Adjourned till to-morrow morning at 10 o'clock.

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FRIDAY, A. M., JANUARY 11, 1888.

The Council met. Present all the members present yesterday, well, Mr. Cook, and Mr. Polk.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

met.

a member of Assembly, was admitted and delivered a message from the President to the General Assembly on the 19th instant, with its inclosures.

Member also delivered to the Chair a new map of the States of Virginia, Pennsylvania, Maryland, and North Carolina, with several reports and papers relative to the claims of the Indians.

Member also delivered to the Chair the supplement to the act "An act for regulating and establishing fees," which was proposed thereto by the House of Assembly.

By order,

His Excellency's Message, and its inclosures, were severally read and approved. The message is in these words, viz :

*to the General Assembly :*

I have the honour to lay before you several acts of Congress, passed on the 30th, November the 2d, 12th, and 23d, December the 4th, 10th, 11th, and 17th, and January the 2d, 1782, from the President of that honorable body, and the inclosures relative to the subject of those acts.

These are of so important a nature, that our utmost exertions must be employed to comply with the requisitions founded upon them. The most effectual measures we can possibly pursue to attain and preserve the peace for which we are contending.

The success of the last campaign, obtained, under the favour of Divine Providence, by the distinguished abilities of the Commander-in-Chief, the generous aid of the monarch who occupies the exalted station he holds, the gallantry and valor of his troops, and of the *American* officers and soldiers, every scene of action—the unparalleled harmony and combined forces, promising all the fruits of a perfect friendship and amity, the militia rivaling veterans in bravery

"and discipline—our recovery from the distressed  
 "ciated currency—the resources open to our view  
 "and economical administration taking place  
 "the enterprising and public spirit of the nation  
 "the community, giving motion to so many  
 "system of government—the unanimity of the  
 "ing and defending their independence, are  
 "such moment as to present a prospect of the  
 "events, if the opportunities they offer are seized  
 "and improved with wisdom.

"They are, however, but steps in our progress  
 "happiness, and by looking back too earnestly  
 "may yet forfeit the inestimable prize we wish  
 "labours with at the conclusion of the course.

"In a contest so deeply interesting to us  
 "we ought to think nothing done while anything  
 "done. Our conduct should be regulated by  
 "and even the errors of our enemies. Confidence  
 "and strength, animated by the remembrance  
 "and irritated by a resistance subverting the  
 "their wise ancestors, for more than *Roman*  
 "discover a fixed resolution to persist, in  
 "difficulty and danger, in their attempts to recover  
 "losses, aggravated, as they must be, by  
 "their own imprudence. Thus stimulated the  
 "cation of wars, face their foes on every side  
 "every quarter of the Globe; demonstrating  
 "supplies of hostility accumulated by a great  
 "ed commercial power, exhibiting a memorial  
 "destructive diligence and obdurate perseverance  
 "the rage of ambition.

"If all this profusion of blood and treasure  
 "principally desired and dreadful end of subjugation  
 "we should remember it has been declared, in  
 "lished by the commissioners appointed under  
 "of *Britain*, and of which no disapprobation  
 "from either House of Parliament, a second  
 "sworn—that of rendering, by the EXTREME  
 "lation, our connection with *France* of as LITTLE  
 "as POSSIBLE.

is avowed principle has heretofore influenced the nations on this Continent, it is needless to say : how influence the future, let the past determine ; but sufferings have been, it is worthy of consideration, of them may not be imputed to our mistakes.

ing that a vast majority of the inhabitants of these at every hazard, maintain their independence, now necessary for supporting their honour and happiness desire no peace but upon this ground, and that an hundred would risk life or property for reconnoy other terms, have relied too much on this solid position. Relaxation ensued, and has been followed consequences. Happily for us, indeed, virtue has aid the arrears of prudence.

er hand, our enemies, viewing the same object deceiving mediums of passion and prejudice, believe ness of our battalions, and the dilatoriness of our , in a great degree, occasioned by the disaffection numbers to our cause. This error produces and adds them to expect a dissolution of public credit, faction at the burthens imposed, and a flattering between their funds, supposed by them to be al- listible, and the scantiness of our revenues.

to the smallness of the debt we have contracted ar, and the heavy load it has laid upon them, they advert to the difference of effects such national s must produce in a country prospering by manu- another that little depends on such employments ; increase of our burthens only adds to the odium original unprovoked authors of them, they will not e the calm and steady resentment of injured and cence, and never reflect how much of their pro- cheerfully spare, who are ready to part with the eserving their freedom.

ror of our enemies, if they really believe it, or an tion, if they do not, deserves notice, as their dis- aries endeavor to disseminate it among us. They urmise, that such a cordial friendship can never be een us and the subjects of our ally, as with them-

"selves, because of the dissimilarity of govern-  
 "ners, customs, religion and language. There  
 "hereditary habits of thinking would easily h  
 "doctrine. It is past. The hard-hearted polic  
 "and the just and wise magnanimity of Fran  
 "to us the impartial exercise of our judgment  
 "case of a connection between us and each of  
 "the very line of distinction, that has been d  
 "apprehensions with respect to the latter th  
 "reasonable for want of it, and on account of t  
 "as peculiarly forcible against the former.  
 "liberal sentiments, and fair dealing, are better  
 "cord between nations than resemblances that  
 "cause deceptions, and which we feel to hav  
 "extension to the fury of those, who now,  
 "ingenuity, urge them as sources of affection.

"If America now rises to a full display o  
 "ability, correspondent to the desires and effort  
 "ally, she will dispel the errors that have been  
 "and may, in a short time, realize the propos  
 "toils, not otherwise perhaps to be obtained  
 "struggle, great expense, and renewed losses.

"When such a measure is recommended by  
 "presides over the common interests of the  
 "comprehensive survey of affairs must certain  
 "to them cogent reasons for recommending  
 "they have done, I am perfectly convinced, fro  
 "of your zeal, that every possible exertion wil  
 "part. Permit me only to add, that I cannot  
 "this State may have the merit of being dis  
 "earliest punctuality of compliance.

"Gentlemen—The Secretary will also prese  
 "ters from the Commander-in-Chief to me, o  
 "15th of December, concerning the establishm  
 "ary hospital, at Wilmington, for sick soldie  
 "Virginia, with several papers relative to that l

"Humanity, and a just respect for his E  
 "ments, induce me to pursue every measure  
 "that appeared likely to save the lives and allev  
 "of the brave and good men whose relief wa



these measures have been of use, and hope they  
r approbation.

ected a letter from General Greene, of October the  
n the Secretary of Foreign Affairs, of November  
l another from the Board of War, of the 19th of  
nth, to be delivered to you, as they contain mat-  
require your consideration.

y after my going to Philadelphia, as I was well  
ith your solicitude to have the execution of your  
s respecting the clothing of our regiment expe-  
ed to the Secretary of War. His letters, of the 3d  
December, are now sent. By the information  
om him, and afterward from the Financier, I  
nproper that any further steps should be taken  
easure could be known on the new circumstances  
urred; but there are deficiencies as to the clothing  
s that deserve, and therefore, I am assured, will  
early and effectual attention. I have desired the  
y his accounts before you.

ature has not yet acted upon a resolution of Con-  
he thirteenth of last June, respecting the officers  
al and Medical Department.

st dispatch was made in getting the schooner be-  
e State ready, in pursuance of your directions.  
n the 20th day of November, and protected our  
ntage, until she was driven into port by a vessel  
ork, of superior force. I have reason to believe  
ll be a coopération in Pennsylvania, next spring,  
measure. If it is not disagreeable to you, I will  
procure the concurrence of the State of New Jer-

ting service has been begun, and promises the  
ess. The gentleman appointed to superintend it  
ort his proceedings.

h of November, I wrote to all the Receivers of  
iring them to make returns of the supplies deliv-  
ning the articles, quantities, condition, and dis-  
landings. I have had no answer but from the  
New Castle County.

“As we shall be charged with an interest on  
“those supplies, the collection of them should  
“else, they should be changed into taxes, in spite  
“be glad if the Legislature would consider  
“the most eligible mode. There are other duties  
“that require a like adjustment.

“I have the pleasure of informing you, that  
“Continental Bills, except a very inconsiderable  
“mitted to the Treasurer of the United States.

“The supplies that you so prudently ordered  
“at the post of Christiana Bridge, for the army  
“from York, have been furnished at a less expense  
“pected, as appears by the account of the Council  
“is with particular satisfaction I can say that the  
“performed in a manner very acceptable to the  
“table to the State.

“Gentlemen—As delegates in Congress are  
“ed, and a representation cannot consist of  
“addition to the usual number appears to be  
“questions of the first magnitude will very soon  
“that assembly. The interest and dignity of  
“cerned in its regular representation. It is to  
“this is a very proper time to give instructions  
“may be appointed, to use the strictest diligence  
“the claims of boundaries to be immediately  
“principles.

“I esteemed it my duty to obtain all the information  
“on this momentous business, and the Secretary  
“some important documents and papers on the  
“the right to the islands in the Delaware.

“The Militia laws should be explained, amended  
“into one act. The public welfare requires  
“defence should be put upon a more respectable

“I beg leave, also, to recommend the passing  
“effectually preventing insults to the State,  
“out of its harbors; for establishing a Court  
“defining its jurisdiction; for establishing a  
“regulating trade and navigation; for establishing

the Court and of Oyer and Terminer, when he alone  
 to any judicial act except the trying of causes, and  
 of *tales de circumstantibus* in such manner that  
 ration of justice may not be delayed ; for the revi-  
 edings in the Court of Oyer and Terminer for Sus-  
 and for better securing and escorting prisoners of  
 sers, upon which occasions a contract for the  
 may be necessary appears to be the cheapest  
 providing them.

“JOHN DICKINSON.”

till to-morrow morning at 10 o'clock.

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SATURDAY, January 26th, 1782.

met and adjourned till 3 o'clock, P. M.

---

EODEM DIE, P. M.

met.

by order, the bill entitled “A supplement to the  
 An act for regulating and establishing fees,” and  
 nt proposed thereto by the House of Assembly,  
 second time, and an amendment was proposed by  
 the said amendment offered by the House of As-

that the foregoing amendment be transcribed and  
 urrence, to the House of Assembly, with the said  
 dment proposed by that House, by Mr. McDon-

returned, reported the delivery thereof according

till Monday morning at 10 o'clock.

MONDAY, JANU

The Council met and adjourned till to-morrow

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TUESDAY, A. M., JANU

The Council met. Present all the members, well and Mr. John Polk.

Mr. Latimer, a member of Assembly, was admitted to the Chair the bill entitled "A supplement to an act for regulating and establishing the amendment, and also the amendment proposed by the said bill rejected by the House of Assembly

The Council took the foregoing amendment, and agreed to the amendment proposed by Assembly, and receded from their own amendment

*Ordered,* That the said bill be engrossed.

Adjourned till 3 o'clock, P. M.

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EOD

The Council met.

On motion, by order, the foregoing bill, being read, compared, and ordered to be sent to the Speaker of that House, together with the original papers of amendments proposed thereto

*Ordered also,* That Mr. Hyatt deliver to the President's message and its inclosures.

being returned, reported the delivery thereof according.

till to-morrow morning at 10 o'clock.

---

WEDNESDAY, January 30th, 1782.

met. Present the same members as on yesterday.

till 3 o'clock, P. M.

---

EODEM DIE, P. M.

met.

Polk, a member of Assembly, was admitted and the Chair a bill entitled "An act for the protection of this State on the River and Bay of Delaware."

member also delivered to the Chair an act of Congress, 17th December, 1781, recommending to the Legislature several States to cause to be taken the number of inhabitants thereof, together with a resolution of the House to ascertain the number of white inhabitants within

by order, the foregoing bill was read the first time.

by order, the foregoing act of Congress, and the resolution of the House of Assembly to ascertain the number of inhabitants within this State, founded thereon, were severally read the first time.

till to-morrow morning at 10 o'clock.

THURSDAY, A. M., Jan

The Council met. Present the same members

On motion, by order,

The bill for the protection of the trade of the River and Bay of Delaware, was read the second time and reported for consideration till the afternoon.

On motion, by order,

The resolution of the House of Assembly touching the number of white inhabitants within this State, was read the second time and concurred in, and is as follows, viz :

" IN THE HOUSE OF

" WEDNESDAY, J

" On motion,

" *Resolved*, That the several Collectors of the several  
 " each Hundred of the respective Counties within this State,  
 " by the best ways and means in their power,  
 " of the number of all white persons within their respective  
 " hundreds, and return an exact list thereof, on or before the  
 " and under their hands, to the General Assembly at their next  
 " meeting, distinguishing therein the number of males, and  
 " and female, of the age of eighteen years and upwards,  
 " number of each sex under that age.

" That the General Assembly will make provision for the  
 " payment of the Collectors for the service aforesaid.

" Extract from the minutes.

JAS

" Sent for concurrence.

CI

Adjourned till 3 o'clock, P. M.

## EODEM DIE, P. M.

met.  
by order, the bill for the protection of the trade of  
the River and Bay of Delaware, was read a third  
graphs, and will pass.  
that Mr. William Polk return the same to the House  
together with the resolutions of that House to as-  
semble of white persons within this State, concurred  
council, and the act of Congress of the 11th December  
sanctioning the same.  
reported the delivery thereof according to order.  
will to-morrow morning.

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## FRIDAY, February 1, 1782.

met. Present the same members as on yesterday.  
till 3 o'clock, P. M.

---

## EODEM DIE, P. M.

met.  
member of Assembly, was admitted and delivered  
message from the President to the General Assem-  
bly ultimo.  
member also delivered to the Chair certain resolu-  
House of Assembly for accelerating the recruiting

service, together with certain papers and a James Moore relative to that service.

Mr. Bassett, a member of Assembly, was ordered to the Chair a bill to remedy the defects in the execution of an act of Assembly entitling the execution of an act of Assembly embodying a number of the Militia of this State reinforcing the Army of the United States,' report of the committee of the House of Assembly embodying a number of the Militia, &c.

On motion, by order,

The President's message was read the first time, viz :

*"Gentlemen of the General Assembly :*

"My duty obliges me to represent to you  
 "ordinance of Congress, dated the fourth day  
 "concerning captures, is likely to prove partially  
 "ly detrimental to this State. Upon recapture  
 "the expiration of twenty-four hours after the  
 "to be no restitution of any part. This regulation  
 "by Congress, I believe, for the purpose of  
 "to the practice of other nations. So far  
 "But I apprehend there ought to be a distinction  
 "captures in common cases, and captures on  
 "in the coast trade, for the sole purpose of carrying  
 "of the country to market within the country  
 "gating between lands on each side, without  
 "the open sea. The capture of such vessels  
 "made within cannon shot of the shore, from  
 "body of a county. They generally continue  
 "the places where they are taken for upwards of  
 "hours, and, in every instance that has come  
 "the recapture has been made by citizens of  
 "States. I therefore think, that with strict  
 "captures should be put upon the same footing  
 "of property originally captured on land, whether  
 "to the former owner upon payment of a  
 "not exceeding one-fourth of the value; no more  
 "the time of possession by the enemy.



present regulation continues in force, the damage to must be exceedingly great, if not irretrievable, during we have but very few shallops left, and the difficulty more is well known. If the property of those is to be divested in the manner above mentioned, probable that in a short time we shall not have a ging to any citizen of this State. Of consequence, be able to send our produce to market.

ter appears in the same light to you that it does to will be judged advisable to instruct the Delegates to use their utmost endeavors to obtain im-meration of the ordinance in this particular.

r prohibiting persons from trading with the enemy, ay amendments. I am informed that sometimes aded, and lie in harbor, or sail under such suspi-stances, as denote an intention of falling into the enemy by collusion. I sincerely wish the wisdom ature may devise the most effectual means for pre-unishing such conduct, as also the practice of go-or vessels in the bay or river, and corresponding ny, without legal authority.

tary will lay before you several letters, dated De-4th and January the 3d and 10th, and a report of ore's proceedings in the recruiting service, with tions on that subject.

t appear that power has been expressly given to nt a person in Mr. Montgomery's place on his I understand that great delay, in settling the s been occasioned by the distance at which the rs reside from one another. I therefore beg leave your consideration, whether it may not be best, in e vacancy, to appoint some person living nigh to o, as there will then be two Commissioners near the State.

tary will also lay before you a copy of the instruc-ommander of the State schooner, and his letter to h of December. A former letter, therein referred e to my hand. The diligence, activity, bravery, duct of this worthy officer, deserve great praise.

“JOHN DICKINSON.

uary 28, 1782.”

Mr. Latimer, a member of Assembly, was called to the Chair the act for more effectually discouraging offences committed in taking vessels of this State, together with a paper of amendment thereto by the House of Assembly; which was read and agreed to.

*Ordered* that the said bill be engrossed.

Adjourned till to-morrow morning at 10 o'clock.

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SATURDAY, A. M., FEBRUARY 10, 1866

The Council met. Present the same members as yesterday.

On motion, by order,

The bill for punishing and discouraging officers taking vessels out of the harbor of this State was read and compared, and ordered to be sent to the House of Assembly for comparison, and to be signed by the Council and the House.

On motion, by order,

The resolutions of the House of Assembly for recruiting service, were read the second time, and agreed to.

On motion, by order,

The bill entitled "An act to remedy defects in the execution of an act of Assembly entitled 'An act to organize a number of Militia of this State for the purpose of forming the Army of the United States,'" was read and an amendment was proposed and agreed to, and the bill as amended was transcribed.

*Ordered*, That the said bill and transcribed resolutions for accelerating the recruiting service be sent to the House of Assembly.

ment; the President's message and Capt. Moore's papers relative to the recruiting service, be sent to the Assembly by Mr. McDonough; who is also appointed to deliver the bill for more effectually punishing and deterring offences committed in taking vessels out of the harbors to the House of Assembly.

Mr. Polk, a member of Assembly, was admitted and delivered from the Chair a bill entitled "An act to increase the powers of the Supreme Court, and for other purposes;" which, after reading, was read the first time.

Mr. McDonough now reported the delivery of the papers committed to him.

Mr. Polk, a member of Assembly, was admitted and delivered from the Chair the following verbal message from the Assembly to the Council, viz :

"The House of Assembly propose to your honorable body that the Houses meet in the Council Chamber, at 3 o'clock in the afternoon, to put in nomination persons to be balloted for to represent this State in the Congress of the United States for the present year.

Feb. 2, 1782."

At 3 o'clock, P. M.

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EODEM DIE, P. M.

Assembly met.

The Assembly took into consideration the verbal message from the President of the Assembly delivered in the forenoon, and thereupon

Resolved, That the following answer to the same be sent to the Council, viz :

*Gentlemen :*

The Council assent to your proposal containing message, and will be ready to receive your letter at three o'clock this afternoon.

Dover, Feb. 2d, 1782.

*Ordered,* That Mr. Grantham deliver the message to the House of Assembly.

Mr. Grantham reported the delivery thereof.

The House of Assembly met the Council, in order, agreeable to the order of the day, to put in nomination persons to be balloted for as Delegates to represent the State in the Congress of the United States for the present year. The persons who were nominated, whose names were put in consideration of the members.

On motion,

*Resolved,* That four persons be elected to represent the State in the Congress of the United States for the present year.

Then the General Assembly proceeded to the business of examining the box containing the ballots, it appeared that the persons named, John Dickinson, Thomas McKean, Caesar Rodney, and George Read, Esquires, were declared duly elected to represent this State to the Congress of the United States for the present year.

*Resolved,* That the General Assembly now adjourn.

Then the House of Assembly withdrew.

On motion, by order,

The bill entitled "An act to increase the powers of the Supreme Court, and for other purposes, passed." was read a second time.

On motion of Mr. William Polk, for leave to withdraw the bill, it was ordered that the same be withdrawn at 12 o'clock on Monday next, the same was granted.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., February 4, 1782.

Council met. Present all the members as on Saturday, John Polk.

Mr. Banning, a member of Assembly, was admitted and delivered to the Chair the bill for establishing a Militia within this paper of amendments proposed thereto; which were read and agreed to, except as to their sixth, twelfth and thirteenth amendments.

That Mr. Banning deliver the said bill and paper of amendments to the House of Assembly.

Resolved, by order,

That the bill entitled "An act to increase the powers of the Justices of the Supreme Court, and for other purposes," was read by paragraphs, and some amendments were proposed, and ordered to be transcribed and sent to the House of Assembly, for their consideration and consideration. Mr. Cook.

Adjourned till 3 o'clock, P. M.

---

EODEM DIE, P. M.

Council met.

Mr. Banning now reported the delivery of the several papers to him, according to order.

Mr. Banning, a member of Assembly, was admitted and delivered to the Chair a copy of a letter from Alexander Hamilton, (then de-Camp) dated at Headquarters, Middle Brook, February 7, 1779, and addressed to the commanding officer of the 11th Regiment, inclosing an act of Congress of the 16th of September, 1778, for annexing Capt. McLane's company to the

Delaware Regiment; and also a resolution of the Assembly of the 1st June, 1779, annexing Capt. to the Delaware Regiment, together with certificates of the General Assembly, dated October 31, 1780, directing the State Treasurer to purchase a sum of money for the benefit of the officers of the Delaware Regiment who were prisoners on Long Island, &c.; and also a certificate of the hand and seal of General Washington, dated June 1781, together with a memorial of Allen McLane, dated 30, 1782, founded thereon.

The same member also delivered to the Council a bill for the Congress of June 13, 1781, respecting the office of the Surgeon and Medical Department, together with a bill for ascertaining the depreciation of the pay of the persons in the several departments of the army who were to this State as part of the quota of the land for other purposes."

On motion, by order, the foregoing bill, and the accompanying papers accompanying the same and certificates were read the first time.

Mr. Cook now reported the delivery of the bill committed to him, according to order.

Mr. Read, a member of Assembly, was admitted to the Chair the resolutions for accelerating the bill with the amendment proposed thereto by the House of Assembly.

The same member also delivered to the Council a bill for establishing a Militia within this State, with the first proposed thereto by the House of Assembly and amendments proposed to the said amendments.

The Council took the said amendments into consideration and decided from such of the amendments of the House as they had before disagreed to, and agreed to the amendments proposed by that House.

*Ordered* that the said bill be engrossed.

Mr. Peery, a member of Assembly, was admitted to the Chair.

Chair certain instructions to the Delegates of this  
ress.

by order, the foregoing instructions were read the

ill to-morrow morning at 10 o'clock.

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TUESDAY, A. M., February 5, 1782.

met. Present the same members as on yesterday.

by order,

ions for accelerating the recruiting service, were  
ded, concurred in, and are as follows, viz :

nittee to whom was referred Capt. James Moore's  
ting the recruiting service, addressed to the Presi-  
him laid before the Assembly, report it as their  
resolutions of the following import be added to  
the 13th of November last for recruiting the Dela-  
ent :

it it be recommended to the President or Com-  
Chief of this State to appoint one fit person in each  
his State to muster the men enlisted to serve as  
the Delaware Regiment under the regulations pre-  
e resolutions of the said 13th of November last.

at Capt. James Moore be allowed to retain three  
diem in lieu of his rations, out of the monies which  
nto his hands for the recruiting service, so long as  
employed therein.

at Captain Moore, with the approbation of the Pre-  
thorized to issue orders for rations to such of the  
geants and old soldiers of the Delaware Regiment  
in this State, in want of such support, until the  
embly shall take further order therein.

"4th. That the President or Commander  
"be authorized to draw orders upon the State  
"further sums of money as he shall judge ne-  
"cessary to time, for the said recruiting business, no  
"additional sum of nine hundred pounds.

"5th. That Col. Tilton, of Kent County,  
"Sussex County, be authorized to pay unto C  
"orders of the President, such sums of spec  
"may be come to their hands, respectively,  
"for those two counties, under the act of As  
"act to recruit the Regiment of this State  
"of the United States,' passed at New Cas  
"of February last, and that such orders, wh  
"shall be allowed to them in their accounts v  
"sembly.

"6th. That Capt. Moore be authorized  
"monies which he shall receive, as aforesaid  
"pounds, in specie, to any person or person  
"livering to him a deserter belonging to the  
"together with six pence a mile for each mil  
"in which he may be taken and to which he  
"delivery, as aforesaid.

"7th. That Capt. Moore apply to the Clo  
"United States for such articles of clothing  
"necessary and wanting, as well for the old  
"ware Regiment, now in the State, as for th  
"of.

"8th. That Capt. Moore be accountable  
"sembly for all such sums of money as  
"hands, in pursuance of the foregoing reso  
"make monthly returns to the President of  
"the business aforesaid.

"9th. That it be recommended to the  
"some of the officers of the Delaware Re  
"State, and who are under orders to join th  
"under their command and march off such  
"aforesaid, and the new levies, as may not  
"ther the recruiting service, and to proceed  
"petition to the Regiment in the Southern  
"eral Greene.



at in case of the death or other disability of the  
James Moore, to superintend the recruiting service,  
perform other the duties prescribed to him, as well by  
the foregoing resolutions as by the said resolves of the  
November last, the President or Commander-in-Chief  
may appoint some other fit person to the same service ;  
every person or persons, so appointed, shall have and  
the powers and duties in the said resolutions re-  
scribed and given to the said Capt. James Moore.

concurrency.

“SIMON KOLLOCK, *Speaker.*”

by order,

tions to the Delegates of this State in Congress  
the second time, considered and concurred in, and  
words, viz :

“IN THE HOUSE OF ASSEMBLY,

“MONDAY, February 4th, 1782.

ns from the General Assembly of the Delaware  
the Honorable Thomas McKean, Philemon Dickin-  
Rodney, and Samuel Wharton, Esquires, Dele-  
the said State to the Congress of the United States

ns that will engage your attention as Delegates of  
Congress are so various and complicated that it is  
at this time to point out with precision the conduct  
to observe in conducting them.

at that you will form such agreements among your-  
selves respecting your attendance, that this State will always  
be represented in Congress, and we desire that you  
use the greatest diligence, strenuously promote all such  
measures, upon mature deliberation, you shall judge most  
for maintaining and securing the freedom, independ-  
ence and happiness of the United States in general, and of  
this State in particular.

perceive by the resolutions of the Legislative Coun-

"cil, and of the House of Assembly, dated the  
 "January, 1779, of which a copy is herewith trans-  
 "mitted, the objections made by this State to some articles of the  
 "Confederation. They appear to us to be well  
 "founded, and we wish you would act conformably to them, and  
 "cure an amendment of the Confederation in  
 "but we especially require that you will employ  
 "diligent exertions for obtaining, without any  
 "a final settlement of the boundaries of the  
 "claims are immoderate, and of the rights of  
 "on the principles of the resolutions, an adherence  
 "so plainly consistent with justice and so indispensible  
 "to the peace and welfare of the Union. This  
 "to be of the first magnitude, as deeply interesting to  
 "posterity, and for very strong reasons we are  
 "that no time should be lost in bringing it to a

"It is probable that the property of the islands  
 "may be considered as connected with the  
 "desire that you will attend also to this point,  
 "take care that due regard be had therein to the  
 "State.

"Part of the ordinance of Congress, dated the  
 "September last, concerning captures, is likely to  
 "be particularly detrimental to this State, with  
 "the urging our being subjected to such hardships  
 "captures, not made until the expiration of twenty  
 "the capture, there is to be no restitution of  
 "regulation was adopted by Congress, we understand  
 "purpose of conforming to the practice of other  
 "far it may be proper; but we apprehend that  
 "a distinction made between captures in commerce  
 "captures of vessels employed in the inland trade  
 "purpose of carrying the produce of the country  
 "within the country and always navigating between  
 "of lands on each side without ever passing into  
 "The capture of such vessels is almost always  
 "non shot of the shore *infra præsidia* of the  
 "within the body of a county; they generally  
 "near the places where they are taken for up to  
 "four hours after, and in every instance that  
 "to our knowledge the recapture has been made

United States. We therefore think, that with the propriety such recaptures should be put upon the same as recaptures of property originally captured upon land, by the same ordinance, is to be returned to the owner upon payment of a reasonable salvage, not exceeding one-fourth part of the value, no regard being had to the possession by the enemy. If the present regulation be in force, the damage to this State must be exceeding-great and irretrievable, during the war. We have but very little left, and the difficulty of procuring more is too well known. The property of those that remain is to be divested as before mentioned, it is highly probable that in a short time there will not be a vessel belonging to an inhabitant of the State. Of consequence, we shall not be able to send our produce to market, and it then becomes utterly impossible for us to furnish our quota of supplies, which, indeed, is nearly exhausted, from the almost continual interruption of our commerce by armed vessels from New York. For these reasons we earnestly desire that you will use all the means in your power to obtain immediately an alteration of the ordinance in relation to the war.

We expect and desire, that if any particular doubts or questions present themselves to your minds on questions of law, or are urgent, or agitated, or likely to be soon agitated, in Congress, we will communicate them fully to the President of this State, so that he may be enabled to judge of the expediency of the measure to the Legislature and taking their sense thereon for their direction.

By order of the House of Assembly,

“SIMON KOLLOCK, *Speaker*.

conconcurrence.”

by order,

For ascertaining the depreciation of the pay accounts of the soldiers in the several departments of the army who have been sent to this State as part of the quota of the land forces for other purposes, was read the second time, and the bill was proposed, agreed to, and ordered to be trans-

*Ordered*, That Mr. Cook deliver the said amendment to the House of Assembly, together with the resolutions for accelerating the recruiting service, to the Delegates in Congress, respectively of the Council.

Mr. Cook reported the delivery thereof accordingly.

Adjourned to 4 o'clock, P. M.

The Council met.

Mr. Duff, a member of Assembly, was admitted to the Chair a petition from Jacob Vandegriff of New Castle, with a list of sundry forfeitures in the County and Terminer of Sussex County, and a resolution of Assembly founded thereon, directing the Treasurer to the payment of fines and forfeitures.

On motion, by order, the foregoing papers were read the first time.

By special order, the foregoing resolution was read the second time and concurred in, and is in these words,

“ IN THE HOUSE OF REPRESENTATIVES

“ MONDAY, FEBRUARY 22, 1777.

“ WHEREAS by an act of the General Assembly passed the 22d February, 1777, it is enacted that the salaries and allowances of the several officers and persons herein mentioned employed in the service of this State, and for providing a fund for the payment of the same, shall be paid to the Treasurer of the State out of the forfeitures accruing within this State shall be paid to the use of the same, and shall be paid to the Treasurer of the County where the fine shall be imposed or levied, and he shall be responsible therefore

“ *Resolved*, That the Treasurers of the several

thereby directed to demand of the Sheriffs respectively  
 of the fines and forfeitures which have or may  
 in their hands, and on neglect or refusal of payment to  
 the same as the above-recited act directs, except in the  
 case of Jacob Vandegrift, in the County of New Castle, and  
 Nathaniel Hynes and William Messick, in the  
 County of Sussex, and their sureties; and that they return a  
 certificate of the same to the General Assembly  
 meeting thereof.

from the minutes.

JAS. BOOTH,

in concurrence.

*Cl'k of Assembly."*

That Mr. McDonough return the aforesaid resolu-  
 tion on which it is founded, to the House of  
 Representatives whereof Mr. McDonough reported, ac-  
 cording to order.

by order,

for establishing a Militia within this State, being en-  
 read and compared, and ordered to be delivered,  
 to the House of Assembly, for comparison and to  
 the Speaker of that House.

reported the delivery according to order.

A member of the House of Assembly, attending, was  
 delivered to the Chair a letter, dated Dec. 27, 1781,  
 from John H. Mans, Esq., respecting his certificate for money lent  
 on behalf of this State, in September, 1776; a letter from  
 John H. Mans, Esq., representing his distress by reason of his not  
 being paid for work done as printer for this State,  
 and a petition of Richard Janvier respecting the non-  
 payment of his account for the expenses of part of the members  
 of Assembly in January, 1781, and a report of the  
 Committee of Accounts on the said letters and petition.

A member also delivered to the Chair a letter from  
 John H. Mans, Esq., respecting the schooner purchased for this State  
 in 1780, with a resolution of the House of Assembly for  
 the State Schooner Vigilant.

by order, the foregoing papers were severally read



&c.; the bill for punishing offences committed in  
s, &c.; the bill for ascertaining the depreciation of  
unts, &c.; and the act for establishing a Militia, &c.,  
in the several bills and amendments, and a resolu-  
tion of Assembly for affixing the Great Seal thereto,

ing bills, severally signed by the Speaker of the  
sembly, were read and compared, and ordered to be  
e Speaker of the Council; which was accordingly

, by order,

tion for affixing the Great Seal to the foregoing laws  
concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, Feb. 4, 1782.

on,

That the President and Commander-in-Chief affix  
Seal of this State to the following laws, to wit :

ct to remedy defects that have arisen in the exe-  
ct of Assembly entitled ‘An act for embodying a  
e Militia of this State for the purpose of reinforcing  
the United States ;’ ”

pplement to the act entitled ‘An act for regulating  
ing fees ;’ ”

ct to increase the powers of the Justices of the Su-  
and for other purposes ;’ ”

ct for the protection of the trade of this State on the  
er of Delaware ;’ ”

ct for ascertaining the depreciation of the pay ac-  
vers persons in the several departments who are  
his State as part of the quota of the land forces  
for other purposes ;’ ”

ct for more effectually punishing and discouraging  
mitted in taking vessels out of the harbors of this

7. "An act for establishing a Militia within the

"Extract from the minutes. JAS. M.

"Sent for concurrence. Cl'k

*Ordered*, That the foregoing bills and resolutions signed by the Speaker of the Council, be returned to the House of Assembly by Mr. McDonough ;

Who, being returned, reported the delivery to order.

Adjourned till to-morrow morning at 8 o'clock

WEDNESDAY, A. M., February

The Council met. Present the same members

The Council now proceeded to the settlement of wages and mileage of the members and Clerks, and allowed the following accounts, viz :

To the Honorable Thomas Collins, Esq.,	. . . . .
To Peter Hyatt, Esq.,	. . . . .
To Isaac Grantham, Esq.,	. . . . .
To Thomas McDonough, Esq.,	. . . . .
To John Cook, Esq.,	. . . . .
To John Baring, Esq.,	. . . . .
To William Polk, Esq.,	. . . . .
To John Polk, Esq.,	. . . . .
To Benjamin Vining, Clerk,	. . . . .

*Ordered*, That the Speaker of the Council do pay the State Treasurer for the payment of the above m

Whereupon the said orders were accordingly executed by the Speaker.

Then the Council adjourned to the 27th day of March to meet at the Town of Dover.



# UTES OF COUNCIL.

---

MAY, 1782.



# RES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

---

ADJOURNED SESSION, MAY, 1782.

---

Meeting of the Council, at the Town of Dover, in the  
Kent, by adjournment, on Monday, the 27th day of  
O. 1782, a sufficient number of the members to form  
not attending, the Council adjourned from day to day  
day, the 11th day of June, 1782.

---

TUESDAY, June 11th, 1782.

Following members attended, viz :

*Castle County*—Peter Hyatt, Thomas McDonough,  
tham.

*County*—The Hon. Thomas Collins, John Baning,

*County*—William Polk.

ed till 10 o'clock to-morrow.

WEDNESDAY, A. M., ]

The Council met. Present the same members.

On motion, by order, the minutes of yesterday read.

Adjourned till 3 o'clock, P. M.

---

EO

The Council met and adjourned till 10 o'clock.

---

THURSDAY, ]

The Council met. Present the same members.

Adjourned till to-morrow morning at 10 o'clock.

---

FRIDAY, A. M.

The Council met. Present the same members.

Mr. Peery, a member of the House of Assembly, was admitted and delivered to the Chair a message from the General Assembly, from his Excellency the Governor, accompanied with the following verbal message of Assembly to the Council relative thereto, viz:

## MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

:  
 use of Assembly propose to your honorable body  
 nference of both Houses be held, in the Council  
 half an hour hence, in order to receive the impor-  
 gence which his Excellency, the President, in his  
 now transmitted to you, desires to communicate per-

A. M."

n, by order,

ident's Message was read, and is in the following

*of the General Assembly :*

ately received from a committee of Congress some  
 intelligence of such a nature that I do not think my-  
 erty to communicate it except it be personally.

ore desire the honor of a conference with you while  
 after the houses are risen, as may be most agreeable

, 1782.

JOHN DICKINSON."

al message from the House of Assembly being con-  
 following answer thereto was drawn up and agreed

ncil assent to the proposal contained in your verbal  
 d will be ready to receive your honorable House at  
 pointed.

. M.

That Mr. Baning wait on the House of Assembly  
 ne, and also return the President's Message.

g, being returned, reported the delivery thereof ac-  
 order.

se of Assembly, agreeable to the order of the day,

met the Council, in the Council Chamber, for pressed in their verbal message.

*Ordered*, That Mr. Read, Mr. Vandyke, and be a committee to wait on his Excellency, the President, to acquaint him that the two Houses are now met in the Council Chamber, and are ready to confer with him on the subject of his message.

The committee, being returned, reported that they had waited on his Excellency, the President, and delivered to him the message committed to them, according to order, whereupon the President was pleased, in answer, to say that he would convene the General Assembly immediately.

The President attended in the Council Chamber, and conferred with the General Assembly and communicated to them the important intelligence referred to in his message.

Then the two Houses separated, and the Council met to-morrow morning at 10 o'clock.

---

SATURDAY, A. M.,

The Council met. Present the same members as yesterday, except Mr. Polk.

Mr. Vandyke, a member of the House of Assembly, was admitted and delivered to the Chair a message from his Excellency, the President, to the General Assembly, in relation to the year 1782, accompanied with divers acts of Congress, and papers, therein referred to.

On motion, by order, the foregoing message was severally read, and the said message is in these words:

*"Gentlemen of the General Assembly :*

*" His most Christian majesty has given you the following  
" proofs of his friendship for the United States :*

manifested such a sincere esteem for us, that I am certain I will learn, with all the pleasure of a grateful affection, that the wishes of our beloved ally, and of *France*, have been gratified by the birth of a *dauphin*.

Our joy on this occasion must be enlivened by the honest wish which your hearts will feel, by expressing, in the preservation of affairs, an inviolable adherence to the engagement of your *alliance* and a just veneration for *national faith*.

The late remarkable change in the British ministry, uniting a number of active, able and popular men in the same administration, should in prudence add to the firmness and vigor of our councils and proceedings.

Our enemies ought to believe that our sole aim in this just and necessary war is a safe and honorable peace; and that such a peace, in our unalterable determination, includes independence and concert with our ally.

There is, however, too much reason to be persuaded that the present ministers mean no more than to alter their plan of conducting the war, excite jealousies, disgusts and divisions between the powers concerned in it, and while they afford us a temporary relief from some of its distresses, bend their force against our friends, and at last return to the accomplishment of their original object—our destruction.

In this manner, it seems, all the blessings that might be derived from the present opportunity are to be sacrificed to the passions of ambition and revenge.

It may, by this renewed persecution, be convinced of these constant truths—that our past calamities ought not to be imputed to the late ministers, but that every party in the kingdom is hostile, and the people in general filled with an inveterate hatred against us.

As, every pretension to the esteem or confidence of America being removed, we shall receive additional evidence, from the extended and deep fixed resentments of Great Britain, that France is our *natural ally*, and our mutual welfare so intimately connected, that whatever injures one nation must, in its consequences, necessarily affect the other.

"Gentlemen—The Secretary will lay before  
 "gress dated January 8th and 25th, February  
 "May the 27th—letters from the Commander  
 "cember the 19th, January the 22d, March  
 "4th—from the Financier, of January the 3d and  
 "the 9th, March the 9th, April the 5th and 11th  
 "Secretary of War, of April the 9th—from  
 "Foreign Affairs, of February the 18th and 19th  
 "14th—one from General Greene, of February  
 "other from General Smallwood, of the 28th of

"From the information contained in several  
 "you will perceive the indispensable obligation  
 "us of drawing forth, from the resources of the  
 "adequate supplies, in compliance with the  
 "while justice and policy, as well as the arts and  
 "enemies, all combine to demonstrate that even  
 "immediately to be adopted that can be devised  
 "of *public credit*. In order to lay a firm founda-  
 "operations, I hope you will expedite the adjust-  
 "lic accounts, and empower and authorize the  
 "Congress assembled, to make a final settle-  
 "tions to be borne by each respective State  
 "penses of the war, from its commencement to  
 "this year.

"I sincerely share with you in the high pleasure  
 "ceive from the truly honorable testimony given  
 "guished commander, General Greene, to the  
 "*duct, singular merit, and important services*  
 "soldiers of our line.

"A reinforcement is in readiness to march  
 "as will appear from the report which I have  
 "Moore to make.

"The Secretary will communicate to you some  
 "cerning the sale of the vessel lately belonging  
 "the building of another, together with some  
 "relating to the protection of trade in the River

"As I judged it would give you some satisfaction  
 "the accounts of this State with the United States



of their Treasury, I have prepared a copy of them,  
herewith sent.

men—As an attention in rulers to the manners of  
people is so essential to the prosperity of a State, it is  
that regret I find myself compelled, by a regard for my  
to represent to you that some further provision appears  
nary for preventing those gross irregularities at places of  
n, now become so frequent, by which the morals and  
stances of many individuals are injured, and the wisest  
rthiest persons among us, whose minds are impressed  
solemn sense of the distresses in which our country is  
d, are deeply afflicted.

presume you will not choose to make a long session at  
son, I will only beg leave to submit to your considera-  
ether it may not be advisable to appoint a committee for  
pose of collecting, revising and amending the laws prior  
Revolution, and preparing an appendix to contain those  
obsolete, but under which the right to property has been  
ned, and to shew when they were made, expired or  
pealed, with such other observations as may be judged  
so that the whole work, being hereafter subjected to  
gment and correction of the Legislature, and then ap-  
might form a complete body of our laws to that period.

“JOHN DICKINSON.”

ned till 10 o'clock on Monday next.

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MONDAY, June 17, 1782.

ouncil met. Present the same members as on Saturday,  
r. Polk.

ned till 10 o'clock to-morrow.

TUESDAY, A. M., JULY

The Council met. Present the same members except Mr. Cook and Mr. Polk.

Mr. Ridgely, a member of the House of Assembly was admitted and delivered to the Chair a proposition from the House of Assembly for nominating persons to sit in the Common Pleas and Orphans' Courts for which, by order, was read, concurred in, and is

"IN THE HOUSE OF ASSEMBLY

"MONDAY,

"On motion,

"*Ordered*, That Mr. Ridgely wait on the Council to propose to them that both Houses meet together in the Chamber, to-morrow at 4 o'clock in the afternoon for the nomination of persons to be balloted for to support the Court of Common Pleas and Orphans' Courts of Kent, occasioned by the death of John C. Justice of the said Courts.

"Extract from the minutes.

JAS.

"Sent for concurrence.

Cl'k

*Ordered*, That Mr. Grantham return the same to the House of Assembly, with the concurrence of the Council, also the President's Message of the 12th instant, and the acts of Congress, letters, and other papers, and the same.

Mr. Grantham, being returned, reported the same to order.

Adjourned till 3 o'clock, P. M.

## EODEM DIE, P. M.

now attended.

ncil and House of Assembly, agreeable to the order, met in the Council Chamber for the purpose of nomination persons to be balloted for to supply of Chief Justice of the Court of Common Pleas and Court for the County of Kent, occasioned by the death of Mr. [unclear] Esq., late Chief Justice of said Courts.

to the nomination it was ordered that Mr. Peery, [unclear], and Mr. Grantham be a committee to wait on his [unclear] the President, and request his attendance at such [unclear], if he think proper.

committee reported that they had waited on his Excellency, delivered the message committed to them, when he [unclear] to say that he would wait on the General Assembly [unclear].

President attended in the General Assembly. Then the [unclear] proceeded to put in nomination persons to fill the said [unclear] whose names were taken down for their consideration.

on,

That the General Assembly now ballot for a person [unclear] came out of the persons so nominated.

The General Assembly proceeded to the ballot, and the [unclear] examined, it appeared that there were twenty-one [unclear] of Thomas Collins, Esquire, who was accordingly [unclear] be duly elected Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent.

The President withdrew, and the two Houses separated.

dyke, a member of the House of Assembly, attending, [unclear] and delivered to the Chair certain resolutions of the [unclear] Assembly respecting a separate treaty of peace with [unclear] in.

On motion, by order, the said resolutions were passed at that time.

Adjourned till to-morrow morning at 10 o'clock.

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WEDNESDAY, A. M., J.

The Council met. Present the same members as yesterday, and also Mr. Cook.

On motion, by order,

The resolutions of the House of Assembly respecting the proposed separate treaty for peace with Great Britain, passed the second time, concurred in, and are as follows, viz.

“DELAWARE STATE

“IN THE HOUSE OF ASSEMBLY,

“*Resolved unanimously*, 1. That the United States Congress assembled, have, by their Confederate States, the exclusive right and power of determining on the making of and of entering into treaties and alliances.

“2. That the honor and true interests of the United States require an inviolable adherence to the engagements of the treaty between his most Christian majesty and the United States.

“3. That any man, or body of men, that shall, without the authority of the said States in Congress assembled, first duly had, to enter into a negotiation for peace or truce with the King of Great Britain, or with any other power, shall be considered and treated as enemies of the United States.

“4. That the whole power of this State shall be exerted in enabling Congress to carry on the war until a peace shall be made with our Federal Union and national faith can be maintained.

“*Ordered*, That a copy of the foregoing resolutions be printed and distributed to the members of the Council.

transmitted to the Delegates of this State in Congress,  
instruction to the said Delegates.

by order of the House of Assembly,

“SIMON KOLLOCK, *Speaker*.

or concurrence.”

That Mr. Cook return the foregoing resolutions to  
of Assembly, with the concurrence of the Council

he reported the delivery thereof according to order.

ended till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Cook, a member of the House of Assembly, attending,  
read and delivered to the Chair a letter addressed from  
the Secretary of Foreign Affairs to his Excellency, the President,  
dated the 14th, 1782, announcing the birth of a Dauphin of  
France, together with a resolution of the House of Assembly for  
the birth of a Dauphin of France.

On, by order, the same were severally read.

By order, the said resolution was read the second time,  
and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,  
“WEDNESDAY, P. M., June 19, 1782.

The Minister of France having, on the 13th day of May last,  
advised to Congress the birth of a Dauphin, and that hon-  
orable body having, by their Minister for Foreign Affairs, com-  
municated advice thereof to this State,

Resolved, That his Excellency, the President, be desired to

"give such directions as he may judge proper  
 "for testifying the great and sincere joy of t  
 "happy event so interesting to his most Chris  
 "to France.

"Extract from the minutes.

JAS. M

"Sent for concurrence.

Cl'k

*Ordered*, That the foregoing letter and resolut  
 in by the Council, be returned, by Mr. McDonou  
 of Assembly.

Mr. McDonough reported the delivery accord

Adjourned till to-morrow morning at 10 o'clock

THURSDAY, A. M., J

The Council met. Present the same members

*Ordered*, That the Speaker issue a writ direct  
 Sheriff of Sussex County for the election of tw  
 said County, to fill the vacancies occasioned b  
 William Conwell and John Polk, Esquires.

Which was accordingly done.

Adjourned till 3 o'clock, P. M.

EOD

The Council met.

Mr. Carty, a member of the House of Assemb  
 and delivered to the Chair a bill to prevent th  
 goods or chattels, by virtue of executions, in ce  
 limited time, and for other purposes ; which, by  
 the first time.

a member of the House of Assembly, attending, was delivered to the Chair a bill for the aiding and more carrying into execution certain acts of Congress of the 20th of February, 1782, delivered therewith.

and, by order, the same was read the first time.

and till 9 o'clock to-morrow.

---

FRIDAY, A. M., June 21st, 1782.

Council met. Present the same members as on yesterday.

and, leave of absence was granted to Mr. Grantham, present sitting of the Council, on account of his indis-

and, by order,

to prevent the sales of lands, goods or chattels by executions, &c., was read the second time.

and, by order,

for more effectually carrying into execution certain acts of Congress of the 20th and 27th February last past, was read the second time.

and till 3 o'clock, P. M.

---

EODEM DIE, P. M.

Council met.

and, by order, the bill for more effectually carrying into execution certain acts of Congress of the 20th and 27th February last past, was read a third time, by paragraphs, and passed

*Ordered*, That Mr. Baning return the same Assembly ;

Who, being returned, reported the delivery a

Mr. Duff, a member of the House of Assembly and delivered to the Chair a petition from Robert soldier in the Delaware Regiment, for his discharge resolution of the House of Assembly founded there

Mr. Grantham presented his account for his and mileage, amounting to £12 : 14 : 0; which an order was drawn for the payment of the same

On motion, by order,

The petition of Robert Timmons, and the resolution bly, founded thereon, were severally read the first

By special order, the said resolution was read

*Ordered*, That Capt. Kirkwood be requested to the Council and give information to them concerning of the said Robert Timmons.

Capt. Kirkwood attended the Council and informed concerning the enlistment of the said Robert Timmons

*Ordered*, That the said petition and resolution be for further consideration until to-morrow.

Adjourned till 8 o'clock to-morrow.

---

SATURDAY, A. M.

The Council met. Present the same members except Mr. Grantham.

On motion, by order,

The bill to prevent the sales of lands, goods and chattels was read a third time, by paragraphs, and an



d agreed to, viz : To add the word [lands] between [and] and the word [goods], in first page and twelfth

That Mr. Polk return the said bill and amendment of Assembly.

being returned, reported the delivery thereof according.

, the further consideration of the resolution of the Assembly for discharging Robert Timmons, was refused the same was disagreed to by the Council.

, a member of the Assembly, was admitted and the Chair sundry accounts of purchases made by Roy and McClay for the Delaware State, accompanied by a bill for the payment of £703 : 17 : 1 to William Henry Darby.

, by order, the same were read.

order, the said resolution was read a second time, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, P. M., June 21, 1782.

on,

, That the Speakers of both Houses draw an order on the Treasurer for the sum of seven hundred and three pence and one penny in favor of William Darby, and Henry Darby, to enable them to discharge their contracts for supplies of provisions and forage furnished by order of the General Assembly, agreeable to the resolution of the General Assembly for that purpose, dated the 19th of October last.

from the minutes.

JAS. BOOTH,

concurrence.

*Cl'k of Assembly.*”

Rayton, a member of Assembly, was admitted and delivered the Chair the bill to prevent the sales of lands, &c., amended, and signed by the Speaker of the Assembly with the bill for aiding and more effectually carrying

into execution certain acts of Congress, &c., al  
Speaker ; a resolution for affixing the Great S  
the following notification of their intention to ad

" IN THE HOUSE OF

" SATURDAY,

" *Ordered*, That Mr. Clayton wait on the Co  
" them that this House intend to adjourn the pr  
" day to some future time.

" Extract from the minutes.

" JAS. BOOTH, Cl'k

The foregoing bills, being read and compared  
be signed by the Speaker ; which was according

On motion, by order,

The resolution for affixing the Great Seal to t  
was read, concurred in, and follows in these wor

" IN THE HOUSE OF

" SATURDAY,

" On motion,

" *Resolved*, That the President and Comm  
" the Great Seal of the State to the following la

1. "An act for aiding and more effectually c  
cution certain acts of Congress of the twentieth  
enth days of February last past ;"

2. "An act to prevent the sales of lands, goo  
virtue of executions, in certain cases, for a limi  
other purposes."

" Extract from the minutes.

JAS.

" Sent for concurrence.

Cl'k

Mr. Latimer, a member of the House of As  
mitted and delivered to the Chair a memorial  
Tilton, with the report of the committee of the  
bly on the memorials of Capt. James Moore an

tion of Genethan Harney, and a resolution of Assembling Doctors Tilton and Latimer.

and, by order, the same were severally read.

order, the resolution respecting Doctors Tilton and read a second time, concurred in, and follows in viz :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, June 22, 1782.

House resumed the consideration of the report upon memorial of Doctor James Tilton, &c., and thereupon

Resolved, That the Speakers of both Houses draw an order on the Treasurer in favor of the said James Tilton for one hundred and fifty pounds, on account of his pay since the 1st of January 1780; and a similar order in favor of Doctor Henry Latimer for the sum of one hundred pounds, on account of his services at the time aforesaid.

as recorded from the minutes.

JAS. BOOTH,

in attestation of concurrence.

*Cl'k of Assembly."*

Adjourned till 3 o'clock, P. M.

---

EODEM DIE, P. M.

Council met.

That the before mentioned bills, respectively signed by the Speaker of the Council, and the resolution of Assembly passed by the Great Seal thereto, concurred in by the Council, and by Mr. Cook, to the House of Assembly, together with the accounts for purchases made by Messrs. McClay and the resolution founded thereon concurred in by the House; the memorial of Doctor James Tilton, &c., the report of the Committee of Assembly thereon, and the resolution of that body respecting Doctors Tilton and Latimer.

and reported the delivery according to order.

Mr. Peery, a member of the House of Assembly, was admitted and delivered to the Chair the reports of the Pay Accounts of the Officers, &c., of the 1st Regiment, together with a resolution of the House for the payment of the said auditors, and a resolution directing seamen to navigate the State schooner.

On motion, by order,

The report of the Auditors of the Pay Accounts, &c., and the resolution of the House of Assembly thereon, were severally read the first time.

By special order, the said resolution was read and concurred in, and is as follows, viz : \*

On motion, by order,

The resolution for employing seamen to navigate the schooner, was read the first time.

By special order, the same was read a second time, and is as follows, viz : \*

*Ordered*, That Mr. Cook return the said report of the Auditors, &c., and the two foregoing resolutions, with the minutes of the Council thereto respectively, to the House of Assembly.

Who, being returned, reported that he had delivered the same to the House of Assembly with the same, according to order.

The Council now took into consideration the petition of the Members of the Council for per diem wages and mileage of their Members and Clerks in for the service of the State during the present session, and the following were allowed, viz :

To Isaac Grantham, Esq., for 12 days' attendance on the Council, at 17s. 6d. per day, and mileage 6d. per mile, . . . . .  
To Hon. Thos. Collins, Esq., Speaker, for 15 days' attendance, at 22s. 6d. per day, and mileage 1s. per mile, . . . . .

*Carried forward*, . . . . .

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\* These resolutions are not recorded.

<i>ught over,</i> . . . . .	£ 30	2	6
yatt, Esq., for 16 days' attendance, at 17s.			
day, and mileage, at 6d. per mile, . . .	15	10	0
McDonough, Esq., for 15 days' attend-			
do., and mileage, at do., . . . . .	14	11	6
Polk, Esq., for 13 days' attendance and			
, at do., . . . . .	12	4	6
ing, Esq., for 13 days' attendance, at do.,	11	2	6
ok, Esq., for 16 days' attendance, at do.,	14	12	0
n Vining, Esq., for 13 days' attendance			
x, &c., . . . . .	15	1	3
	<hr/>		
	£ 113	4	3
	<hr/>		

That the Speaker draw orders on the State Treasurer  
 ment of the above mentioned sums.

as accordingly done.

Also, That the Speaker sign a joint order in favor of  
 pson for £6 : 0 : 0; another in favor of Ann Westly  
 0; ditto in favor of Rachel Bullen for £13 : 5 : 0; do.  
 Mary Lewis for £9 : 15 : 0—£38 : 0 : 0.

as accordingly done.

Council adjourned to the 20th day of October next.



# UTES OF COUNCIL.

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OCTOBER, 1782.





# RESOLUTIONS AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

---

REGULAR SESSION, OCTOBER, 1782.

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Minutes of this session, which was held at Dover, commencing October 1st, and adjourned November 1st, until January 1st, 1783, are lost, but the following documents submitted, resolutions, &c., passed, are preserved, to wit :

OF HIS EXCELLENCY, JOHN DICKINSON,  
PRESIDENT.

*Message of the General Assembly :*

With a very sincere pleasure in advising you, that their High Honors the States General of the United Provinces have accepted and received a Minister Plenipotentiary of the United States in that quality, an event likely to be immediately followed by treaties of alliance and commerce greatly beneficial to both nations.

The Secretary will lay before you letters from the President of the Congress, of the 19th and 24th of June, and the 20th of July, from the Commander in Chief, of the 28th of May—from the Secretary of the Treasury, of the 9th, 29th and 30th of July, the 15th, 17th and 18th of August, the 12th and 20th of September, and the 10th of October—from the Secretary at War, of the 8th of July, the 1st of August, and the 15th of October—from the Secretary of Foreign Affairs, of the 2d of May, and the 12th and 15th of June—from Governor Clinton, of the 4th of August—

“from General Gist, of the 5th of June—and  
“manding Officer of our Troops in the South  
“8th of July, and the 10th of August.

“I beg leave to refer you, Gentlemen, to sev  
“gress communicated in former Messages, to  
“to your attention at the present Sessions, and  
“an early as well as a pointed compliance of the  
“tures with the determinations of that National  
“lutely necessary for establishing a system of re  
“cacy in the affairs and for maintaining the hono  
“States.

“You will perceive by a resolution of the Ho  
“and the Council of New Jersey, of the 24th of  
“missioners are appointed for settling and esta  
“of jurisdiction between that State, Pennsylvani  
“Commissioners are also appointed by the State  
“and such a measure seems proper to be taken  
“settling the line of the jurisdiction in the Bay  
“ware.

“Upon considering, after your last recess, so  
“that had lately occurred, I judged it expedie  
“Commander-in-Chief before I should give o  
“ance of your resolutions, for the march of the  
“diers then in the State to the southward. In  
“his answer, and of the second letter above me  
“Secretary at War, orders were issued for their  
“delphia, which have been executed, as will ap  
“Moore's letter of the 7th of August.

“As it appeared to me my indispensable o  
“that our militia should be placed on the most  
“ing, I have constantly and diligently applied  
“great point. Returns have been required of th  
“and of the arms both public and private fit fo  
“County. These are now presented to you ;  
“you will observe, how necessary it is, that imm  
“should be made for procuring further supplies  
“It is much to be wished, that the General Ass  
“devise means for establishing an Artillery Co  
“competent number of field-pieces, in each Cou

have lately reviewed every Regiment in the State, except the 1st, and have been generally pleased with the appearance and behavior of the officers and privates on this occasion, particularly of Colonel Duff's, Colonel Hall's, Colonel Mendenhall's and Colonel Polk's Regiments.

The adjustment of all public accounts is a business of such importance that it ought to be made with dispatch, and published for the satisfaction of our constituents, and an officer of skill and integrity should be appointed to keep them in perfect order for the future, so that the General Assembly and Executive may easily and without loss of time know the state of our accounts and avoid errors and difficulties in transactions relating to them. The propriety and advantage of such a measure is so manifest that it needs no arguments for enforcing its adoption.

As many of our titles to lands depend upon records in Pennsylvania, Transcripts from them should be obtained, and duly deposited in some of our offices. It may not be improper, that a Committee should be empowered to inquire and report upon the state of the records in general are safely and properly kept.

Our laws require very considerable amendments to be made, for preventing substantial justice being defeated or delayed by legal subtleties and injurious forms; for ascertaining with precision the Statutes prior to the Revolution that are to be regarded as the law of our jurisprudence; for securing the inestimable benefit of the writ of *habeas corpus*; and for fixing the trial by jury on such a solid basis as will guard as much as possible the rights of the people from being shaken by the dreadful efforts of party rage—the blind and destructive power, from which we are now so free, should in times to come attempt to pull down the pillars of our Courts, for supporting which the precious blood of our brave fellow citizens has been so nobly offered and liberated out. Regulations of this sort will be among the best legacies we can leave to our posterity.

Every amendment humanity compels me to propose, that no manumitted healthy slaves, not advanced in years, should be obliged to give security for their maintenance, that no slaves should not be sent upon sale or otherwise to any distant from their usual residence, by which means

"affectionate and near relations are cruelly se  
 "another, and the remainder of their lives extr  
 "The Legislatures of several neighbouring St  
 "deep sense of the divine favors to them in thi  
 "own freedom, and by an enlightened cou  
 "lately passed laws for alleviating the affliction  
 "and too often abused part of their fellow creat  
 "the warmest hopes that the Legislature of th  
 "late the most generous and wise examples of

"JOHN

"Dover, October 29, 1782."

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## RESOLUTION IN RELATION TO A DAY THANKSGIVING.

*Resolved,* That his Excellency the President  
 appoint and proclaim that Thursday, the 28th  
 next, be observed throughout this State as  
 thanksgiving for the purposes expressed in the  
 the United States in Congress assembled, of th  
 instant.

---

## MESSAGE OF HIS EXCELLENCY, JOHN PRESIDENT.

*"Gentlemen of the General Assembly :*

"The Secretary will present to you a letter f  
 "of France, of the 14th, and another from Mu  
 "of the 18th of this month.

"Such a recommendation, I doubt not, will b  
 "and it seems, from all circumstances which h  
 "knowledge, that policy and humanity may b

ting the recent services of the offender as an atone-  
his former misconduct.

ge of the enemy being lately cast on shore near Lewes-  
as seized, with her arms, tackle and apparel, and the  
re made prisoners by some of the inhabitants of that  
d the neighborhood. Several young men, who were  
d in the seizure, have informed me, that if the State  
e pleased to give up the public share of the prize to  
ey would fit her out at their own expense as an armed  
r assisting to protect the navigation of the Bay. It  
l to me a proposal deserving to be communicated to  
ave seen and examined the boat. She is of very little  
d I am persuaded cannot possibly be applied to any  
e so properly, as in the desired encouragement of the  
ave mentioned. A list of their names is enclosed.

message of the 19th of last January I recommended the  
a law 'For better securing and escorting prisoners of  
deserters;' and I now think it my duty to repeat my  
on on that head. For want of due regulations, a very  
able share of public service is imposed on the Militia  
parts of Sussex County; and not unfrequently, after  
e performed such service in a manner much to their  
isoners make their escape.

Millis, lately keeper of the goal in this town, last week  
ed ten prisoners of war brought up from Lewes-Town  
mitted to his custody, under pretence that no provi-  
made for their support. Six of them were quickly re-  
the spirited and zealous activity of the Sheriff and  
nhabitants of this County. Afterwards two of them es-  
tain. Similar instances have happened too often. If it  
dered that every one of these prisoners, if detained for  
e, might have restored to his country, his family and  
ome worthy fellow citizen now languishing in captiv-  
sure, you, gentlemen, will feel the proper sentiments  
instances so injurious to our unhappy countrymen, and  
utable to the State.

"JOHN DICKINSON.

, October 30, 1782."

esaid two letters from the Minister of France and the

Honorable Robert Morris, soliciting a pardon were also read, reciting that the said Luke S inhabitant of Lewes-Town, having fled to the in the capacity of a pilot on board of one of t was captured by his most Christian majesty' and has rendered very essential services on b commending that such services be admitted a his former misconduct, in adhering to the ener  
—*Extract from Journal of the House of Assen*

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RESOLUTION IN RELATION TO THE  
TROOPS IN THE SERVICE O  
UNITED STATES.

WHEREAS Congress, on the first of this in resolve, "That no monies paid by any of the  
"cers and soldiers of the army of the United  
"the year 1782, be considered as advanced in  
"ted States, and that the same be not credit  
"which the advance shall have been made ;"  
to comply with the economical views of Congre  
to this State,

*Resolved*, That this State will not in future a  
clothing, or other necessities, as pay, to any  
soldiers of the army of the United States.

AND WHEREAS the General Assembly ha  
articles of clothing and sums of money to b  
officers and soldiers of the Delaware Regime  
tal Army, in order to relieve their distress, a  
discharge their duty to the Continent ; and h  
divers quantities of forage, provision and oth  
use of the army of the United States ; therefo

*Resolved*, That the State Treasurer forthwit  
account of all monies advanced by him to the c  
ware Regiment, and of all clothing and other n  
for them by this State, and of all supplies of v  
have been furnished for the use of the Contin

have been made on him, by order of the Commander of the State, or the General Assembly; and that he copies thereof immediately to the General Assembly and the Master-General, in order that the same may be entered against the officers and troops so paid and supplied and as a credit to this State with the United States, out of the tax.

And, That a copy of these resolutions be sent to the delegates of this State in Congress, as an instruction to them to urge the propriety of crediting the State with the monies advanced for the aforesaid purposes; and that they use their best endeavors to have such credit given without delay.

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#### RESOLUTION IN RELATION TO APPOINTMENT OF COMMISSIONERS TO SETTLE ACCOUNTS OF THIS STATE WITH THE UNITED STATES.

Resolved, That the nomination of William Winder, Jr., a commissioner for the purpose of settling and adjusting the accounts between the Delaware State and the United States, and for liquidating and settling in specie value all certificates given by public individuals in this State, and other claims by individuals against the United States, according to the form and effect of a resolution of Congress of the 20th of February 1782, has been agreed to; therefore,

And, That the nomination aforesaid of William Winder, Jr., is hereby recognized and approved.

And, That an attested copy of the above resolution be delivered to His Excellency the President of this State, in order that the same may be transmitted to the Superintendent of Finance.

## RESOLUTION IN RELATION TO BARTHOLOMEW BAYNUM, INDICTED FOR HIGH TREASON

WHEREAS it has been represented to the Council that a certain Bartholomew Baynum, of the County of Sussex, who stands indicted for high treason, hath refused to appear himself and abide his legal trial; and is going into the County in an armed and hostile manner, in open violation of the Laws of this State, to the injury of the State and of others; in order, therefore, that he may be brought to justice,

*Resolved*, That the President be requested to issue his proclamation, offering a reward of fifty dollars for any person or persons who shall apprehend and secure Bartholomew Baynum in the public goal of the County of Sussex.

*Resolved*, That the aforesaid reward be paid out of the Treasury of Sussex County, on the certificate of the Sheriff, who hath received the aforesaid Bartholomew Baynum, of the same County, which sum shall be allowed by the Treasurer on the settlement of his accounts with the Sheriff.

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## RESOLUTION FOR APPOINTMENT OF COMMISSIONER TO SETTLE ACCOUNTS OF THE STATE WITH THE UNITED STATES

WHEREAS the nomination of William Winder as Commissioner for settling and adjusting the accounts of the State with the United States, agreeable to the directions of Congress of the 20th of February last, hath been confirmed by the General Assembly; and it is necessary that he be nominated and appointed, on the part of this Assembly, to receive and lay the said accounts before the said Congress before

*Resolved*, That William Peery, Esq., be appointed for the purpose aforesaid.



And, That the General Assembly will defray the expense incurred by the said William Peery in the discharge of his business aforesaid.

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RESOLUTION IN RELATION TO THE ASCERTAINMENT OF THE LOSS OF PROPERTY, &c.,  
BY CITIZENS OF THIS STATE  
DURING THE WAR.

AS Congress have requested, that each of the States speedily as possible, authentic accounts of the slaves and property which have been carried off or destroyed by the enemy, in the course of the present war ; therefore

Resolved, That the County Treasurers respectively be and are hereby empowered and directed to issue their orders to the Collectors, to put up three or more advertisements, in public places in each Hundred, directing those persons who have been carried away, or other property taken or destroyed by the enemy, since the commencement of the present war, to make and return, on oath or affirmation, an exact and true account and estimate thereof, to the best of their knowledge, to the Collector of the Hundred such person resides in, who shall deliver the same to the Treasurer of his County.

The said Treasurer, on receipt of the said accounts and estimates, shall state the same in a fair account, distinguishing the property taken in each Hundred, and return the same to the General Assembly at their next meeting.

The Levy Court of each County make an adequate allowance to the Treasurer and Collectors of such County for their discharge of the duties hereinbefore enjoined them.



# UTES OF COUNCIL.

JANUARY, 1783.



# RESOLUTIONS AND PROCEEDINGS

## OF THE COUNCIL OF THE DELAWARE STATE.

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ADJOURNED SESSION, JANUARY, 1783.

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Meeting of the Council at the Town of Dover, in Kent  
County, on Monday, the 6th day of January,  
1783, a quorum of the members to form an House not  
present, the Council adjourned from day to day till Saturday,  
the 11th instant.

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SATURDAY, P. M., January 11th, 1783.

Following members attended, viz :

*New Castle County*—Thomas McDonough.

*Kent County*—The Hon. John Cook, Richard Bassett,  
Esq.

*Sussex County*—

John Read, Esquire, a member of the Council chosen for  
the County of New Castle, on the first day of October last, in  
place of Peter Hyatt, Esquire, whose seat became vacant by  
his death, appeared in the Council, and took the oath and sub-  
scribed the declaration prescribed by the twenty-second article  
of the Constitution of this State, and then took his seat. [*See*  
*page 10.*]

Adjourned to Monday at 11 o'clock.

MONDAY, P. M., Jan

The Council met. Present the same members and also Mr. Grantham.

Mr. Read, at his seat, made his excuse for not attending the meeting of the Council in October last.

Mr. Speaker laid before the Council a letter from the Vice-President of this State, of the 6th instant, Esquire, one of the Delegates of this State, inclosing sundry extracts from the Journals of the Sept. 14 to Oct. 29, 1782, together with several resolutions of that honorable body; which, by order, were read.

Adjourned to to-morrow at 10 o'clock.

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TUESDAY, A. M., Jan

The Council met. Present the same members.

Mr. Carty, a member of the House of Assembly, was admitted and delivered to the Chair a letter from Philadelphia, Nov. 4, 1782, addressed by the President of the Council, together with a message from the General Assembly, dated Jan. 11, 1783, and a message of the House of Assembly on the committee's message.

On motion, by order,

The President's Message of the 11th instant, and the Speaker of the Council, were severally read. The message is in these words, viz :

*"Gentlemen of the General Assembly :*

*"Since the last recess of the General Assembly*

*"elected President of the Supreme Executive*

*"sylvania ; and the duties of that office require*

was prevented from removing to Wilmington, after I my house in that place prepared, at a considerable for the reception of my family.

I immediately to the Honorable the Speaker of the Council, requesting him to take the administration, according to the Constitution, and to the Secretary to him the Great Seal.

General Assembly will, I hope, approve of my engaging employment that has been mentioned, in a sister and State—the true interests of both being, by situation and variety of circumstances, so intimately connected—especially when they consider *how earnestly I entreated* to be excused—accepting the Presidency here—that I have faithfully the best of my abilities served a year—and that I could not accepting the Presidency lately conferred upon me, involving myself in circumstances exceedingly disa-

do myself the honour of waiting upon you, gentlemen, on you of this event, and to acquaint you, that I am resign the dignity I hold in this Republic, in such as you shall judge proper. But permit me to add that affection and gratitude to the State I never will resign but life.

Words are unable to do justice to my sentiments on this. I cannot but remember that I have transacted a variety of business with most of you for several years, times of distress, and have never had the least personal quarrel with any one of you. I cannot but remember the civility and kindness with which, in your public and private councils, you have constantly treated me.

I beseech, gentlemen, to receive the warmest thanks my heart feel for these instances of your goodness; and allow me to trust that you will continue to me the share of your friendship which has been and will always be so great a part of my happiness.

Divine Providence may protect and bless you, gentlemen, and that this State may flourish and abound with prosperity till time shall be no more, is my fervent prayer.

“JOHN DICKINSON.

January 11, 1783.”

On motion, by order,

The resolutions of the House of Assembly on the President's Message were read the first time.

Mr. Charles Polk, a member of the House of Assembly, attending, was admitted and delivered to the House for the appointment of a Committee of Accounts.

On motion, by order, the foregoing resolutions were read the first time.

By special order, the same was read a second time, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY

"TUESDAY, A. M.

"On motion,

"*Resolved*, That Messrs. Thomas Kean, Nathaniel Waples be a Committee of Public Accounts on the part of this House, and that Mr. Polk wait on the committee a copy of this resolution, and propose to the House of Assembly of a committee of their body to join with them in the business aforesaid.

"JAS. BOOTH, CLERK

And thereupon, on motion,

*Resolved*, That Messrs. John Banning and Nathaniel Waples be a committee on the part of the Council to join with the committee of the House of Assembly in the business aforesaid.

Adjourned till 3 o'clock, P. M.

Eo

The Council met and adjourned till to-morrow at 10 o'clock.



WEDNESDAY, A. M., January 15th, 1783.

uncil met. Present the same members as on yesterday,  
Mr. Joshua Polk.

, That Mr. Grantham return to the House of Assembly  
for the appointment of a Committee of Accounts,  
concurrence and appointment of the Council thereto.  
same member also return to that House the several  
in the Financier, with their inclosures, which were de-  
the Council from the Assembly previous to the late  
nt.

ion of Mr. Read, that a committee be appointed to  
d bring in a bill for methodizing the public accounts,  
e more effectual settlement of the same, the same was

pon Mr. Read, Mr. Bassett, and Mr. McDonough are  
a committee for that purpose.

ed till 3 o'clock, P. M.

---

EODEM DIE, P. M.

uncil met.

ntham now reported the delivery of the papers com-  
him, according to order.

ed to 10 o'clock to-morrow.

THURSDAY, ]

The Council met. Present the same members and also Mr. William Polk.

Several of the members attending on command adjourned till to-morrow at 10 o'clock.

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FRIDAY, ]

The Council met. Present the same members

Several of the members attending on command adjourned till to-morrow at 10 o'clock.

---

SATURDAY, A. M., ]

The Council met. Present the same members except Mr. Joshua Polk.

Adjourned to 3 o'clock, P. M.

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ED

The Council met and adjourned till Monday o'clock.

MONDAY, P. M., January 20th, 1783.

ouncil met. Present the same members as on Saturday.

es, a member of the House of Assembly, attending, ted and presented to the Chair a message, dated Jan- 1783, from the President to the General Assembly, with a message, of the same instant, from the Vice- to the General Assembly, inclosing one letter from the for Foreign Affairs of the 23d of December last; one Assistant Secretary of War of the 3d instant, and two Financier of the 21st and 23d of October last; besides ers and papers containing intelligence of a public na- also another message from the same of the 17th inst.

ne member also delivered a letter of the 8th instant, by Captain McKennan to the President of this State, the arrival of the Delaware troops from the South- with a resolution of the House of Assembly founded

ne member also delivered certain resolutions of the Assembly respecting the State schooner.

ne member also delivered an account from Thomas printer, for printing done for this State, amounting to 5, with a resolution of the House of Assembly for the of the same, and a blank order on the State Treasurer, ove sum, in favor of James Booth, Esq., to enable him ge the said account.

ne member also delivered an account from Samuel q., late High Sheriff of New Castle County, for services amounting to £7 : 10, with a resolution of the House of for the payment of the same, and a blank order on the surer for that purpose.

ed till 10 o'clock to-morrow.

TUESDAY, A. M.

The Council met. Present the same members and also Mr. Joshua Polk and Mr. Collins.

On motion, by order,

The President's Message of the 13th instant follows, viz :

*" Gentlemen of the General Assembly :*

" I omitted mentioning in my last address  
 " advanced money and incurred debts to a co  
 " for the use of the State. I make no doubt  
 " be taken that these shall be soon discharged

" Dover, January 13th, 1783. JOHN

On motion, by order,

The message from the Vice-President, of t read, and follows in these words, viz :

*" Gentlemen of the General Assembly :*

" In the absence of the President from th  
 " his request, signified to me by a letter date  
 " the 4th of November last, I assumed the ad  
 " government, agreeable to the Constitution  
 " your adjournment of the last sessions, and  
 " same during your late recess, with every en  
 " the important trust thus devolved upon me,  
 " fidelity.

" The trade of this State on the Bay and  
 " the time I entered upon the administration,  
 " every possible exertion for its protection, an  
 " of our funds prevented the equipment of th  
 " for that purpose. I therefore judged it me  
 " out the said vessel, if practicable, in concert  
 " Pennsylvania, whose interests are equally a  
 " my. Accordingly, with the concurrence o  
 " of the Council and Assembly, on the 13th

instructions to Charles Pope, Esq., commander of the oner, to contract with the Marine Commissioner of ania, for transferring to that State, by way of sale, a the said vessel, and generally to concur with them in such measures as might be requisite for her speedy at for the protection of the trade. The Secretary will e you a duplicate of these instructions, and the cor- nce between the said commissioners and Charles Pope, you will perceive that he has been unable to effectu- easures recommended to him.

ate having incurred a considerable debt in building ng the said vessel, and our funds at this time being e to her present equipment and regular maintenance, ave to suggest it, as expedient, that application be the State of New Jersey to employ the said vessel th this State for the protection of the trade of both, similarly circumstanced and equally exposed. If this is unattainable, or does not meet with the approba- e General Assembly, I think it would redound to the f the State that she should be sold.

directed the Secretary to lay before you the following ne from the Secretary for Foreign Affairs of the 23d ber last—one from the Assistant Secretary at War, instant—and two from the Financier, of the 21st and ctober last.

requisitions of Congress, inclosed in the letters from cier, I have no doubt but that your honors will pay tion which their importance require ; and I beg leave mend to you that a distinction and appropriation of c taxes, which Congress have strongly urged for ob- cogent reasons, be made.

ecretary will also lay before you divers letters and ntaining intelligence of a public nature, which I have n the recess of the General Assembly.

“JOHN COOK, *Vice-President*.

January 13, 1783.”

on, by order,

The Vice-President's Message of the 17th read, and is as follows, viz :

*"Gentlemen of the General Assembly :*

"I last evening received intelligence from  
 "commanding that part of the Delaware Re  
 "been doing duty in the Southern Army, tha  
 "to this State and may be expected by the  
 "Lieutenant Hyatt has been sent forward wi  
 "and to assist in making preparation for the  
 "troops. As I am not informed from any p  
 "they are destined for any service immediate  
 "sary that provision and quarters should be  
 "them forthwith, and therefore I recommen  
 "you. The Secretary will lay Capt. McKen  
 "you, and should the General Assembly wis  
 "formed of the numbers and conditions of th  
 "Lieut. Hyatt will attend them. As the othe  
 "ware Regiment is quartered in the City  
 "think it right to transmit the account of th  
 "under Capt. McKennan to the Secretary at  
 "Delegates in Congress, that I may certai  
 "quarters for the winter or only temporary  
 "provided for them in this State ; but of this  
 "glad to know the sense of the General Asse

"JOHN COOK

"Dover, January 17th, 1783."

Adjourned till 3 o'clock, P. M.

Ec

The Council met and adjourned till to-mor  
 o'clock.

WEDNESDAY, A. M., Jan. 22d, 1783.

ncil met. Present the same members as on yesterday.  
ed till 3 o'clock, P. M.

---

EODEM DIE, P. M.

ncil met.

on, by order, the account from Thomas Bradford,  
d the resolution of the House of Assembly founded  
ere severally read the first time, together with the  
n for the payment of the same in favor of Jas. Booth,

on, by order,

ount from Samuel Smith, Esq., late Sheriff of New  
nty, for services done, and the resolution of the House  
ly for the payment of the same, and the order drawn  
pose, were severally read the first time.

on, by order,

going account of Thomas Bradford, printer, was read  
time and allowed.

on, by order,

olution founded thereon, was read the second time,  
in, and follows in these words, viz :

“IN THE HOUSE OF ASSEMBLY,

“THURSDAY, A. M., Jan. 16, 1783.

ount was presented to the Chair from Thomas Brad-  
printing done for this State, amounting to £31 : 12 : 6,  
s allowed ; thereupon

*“Resolved,* That the Speakers of both Houses  
“on the State Treasurer for the payment of  
“James Booth, to be by him applied to the  
“aforesaid debt due to Thomas Bradford from

“JAS. BOOTH,

“Sent for concurrence.”

On motion, by order,

The account from Samuel Smith, Esq., was read the first time and allowed.

On motion, by order,

The resolution of the House of Assembly of the same, was read the second time, concurring, viz :

“ IN THE HOUSE

“ FRIDAY

“An account was presented to the Chair of  
“Esq., late Sheriff of New Castle County, for  
“pounds ten shillings, which was read and allowed

*“Resolved,* That the Speakers of both Houses  
“on the State Treasurer for the payment of  
“seven pounds ten shillings to the aforesaid

“JAS. BOOTH,

“Sent for concurrence.”

And thereupon the orders drawn on the Treasurer for the payment of the two foregoing accounts were read and allowed by the Speaker.

The committee appointed to prepare and amend the bill for methodizing the public accounts, and for settling the same, now reported that they had draught of a bill for that purpose ; which was read the first time, and, by order, read the first time.

Adjourned to 10 o'clock to-morrow.



THURSDAY, A. M., Jan. 23d, 1783.

cil met. Present all the members.

, a member of the House of Assembly, attending, and delivered to the Chair a bill for raising 26,250 the service of the present year, accompanied with positions of Congress, and other papers, on which the ended.

member also delivered the accounts of George Craglothier-General of this State, with the report of the tee thereon, and a resolution of the House of Assembly payment of £481 : 2 : 8 to the said George Crag-

a member of the House of Assembly, was admitted and delivered to the Chair a message from the Vice-President to of Assembly on the subject of a letter addressed to William Winder, Esq., the Commissioner appointed for the accounts between this State and the United States, measures, and a resolution of the House of Assembly thereon.

s, a member, &c., was admitted and delivered to the account of John Gorden, Esq., late Sheriff of Kent amounting to £7 : 10 ; with a resolution of the House of for the payment of the same.

l till 3 o'clock, P. M.

---

EODEM DIE, P. M.

cil met.

n, by order, the report of the Joint Committee of the Clothier-General's accounts, and the resolution of the same, were severally read the first time.

By special order, the same were read a second time, and the resolution was concurred in.

On motion, by order,

The account of John Gorden, Esq., amounting to £26,250, and the resolution of the House of Assembly thereon, and the resolution of the same, were severally read the first time.

By special order, the same were read a second time, and the resolution was concurred in.

*Ordered*, That Mr. Collins return to the House the Clothier-General's accounts, the report of the Accounts thereon, and the resolution for the 2 : 8 to the said Clothier-General, concurred in, and that he also return the accounts of John G. Smith, Esqs., for seven pounds and ten shillings, account of Thomas Bradford, printer, amounting to £26,250, together with the several resolutions for the payment of the sums, severally concurred in, to the House of Assembly.

Mr. Collins reported the delivery of the foregoing to order.

On motion, by order,

The bill for raising £26,250 for the service of the year 1790, was read the first time.

On motion, by order,

The Vice-President's Message on the subject of the letter, and the resolution founded thereon, were read, and the said resolution was concurred in.

*Ordered*, That Mr. Polk return the foregoing resolution, with the concurrence of the Council, to the House of Assembly ;

Who, being returned, reported the delivery of the foregoing to order.

On motion of Mr. Read, that leave be given to bring a bill "For preventing and punishing the counterfeiting of the common seal, bank bills and bank notes of the

company of the Bank of North America," the same was whereupon a draught of a bill for that purpose was laid e, and, by order, read the first time.

on for the second reading of the resolutions upon the s report on the President's Message of the 11th Janu- the same was seconded, and passed in the negative.

r on the State Treasurer in favor of George Craghead, r the payment of £481 : 2 : 8, was presented by the the House of Assembly, in order to be signed by the f the Council ; which was accordingly done, and re-

ed till to-morrow at 10 o'clock.

---

FRIDAY, Jan. 24, 1783.

ncil met. Present all the members. •

on, by order, the bill for auditing and arranging the f this State, and for the more speedy and effectual of the same, was read the second time and postponed ration.

leston, a member of Assembly, was admitted and de- the Chair the accounts of Wm. Millan, late Receiver s for New Castle County, and their vouchers, together roceedings of the House of Assembly upon the said

an, a member of Assembly, attending, was admitted ed to the Chair the returns of the Second Delaware commanded by Lieut. Colonel Henry Neill, together ay-rolls of the several officers belonging to the said

ed till to-morrow morning at 10 o'clock.

SATURDAY, A. M.

The Council met. Present the same members

On motion, by order,

The bill for auditing and arranging the accounts, &c., was read a third time, by paragraphs, for amendment of the Council, and after some time the same was postponed till the afternoon.

Adjourned till 3 o'clock, P. M.

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EOD

The Council met.

The Council now resumed the consideration of auditing and arranging the accounts, &c., and spent therein the further consideration is postponed till morning at ten o'clock.

Adjourned till Monday at 10 o'clock.

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MONDAY,

The Council met. Present the same members as last.

Mr. Charles Polk, a member of Assembly, admitted and delivered to the Chair a bill to exclude the General Assembly from places of profit, &c.

The Council now proceeded in the further consideration of the bill for auditing and arranging the accounts of

to the order of the day, and the same, after some  
will pass.

d, That the same be transcribed and sent, for consider-  
concurrence, to the House of Assembly.

zard, a member of Assembly, attending, was admitted  
ered to the Chair the report and state of the public ac-  
the Auditor, William Killen, Esq., together with the  
thereto belonging and accompanying the same.

ables, a member of Assembly, attending, was admitted  
ered to the Chair a resolution respecting the adjourn-  
the General Assembly on Saturday next to some future

ff, a member of Assembly, attending, was admitted and  
to the Chair a petition of James Abbott, and also a pe-  
George Abbott and Charles Williams, which, after their  
ading in the House of Assembly, were referred to Capt.  
oore, Superintendent of the Recruiting Service, to do  
that the good of the service and the laws of the State  
ire.

ssett presented the Chair with Mr. Dickinson's resigna-  
e Presidency of this State, by a writing, under his hand  
dated at Dover, Jan. 14, 1783.

tion, Mr. Bassett has leave of absence till 3 o'clock to-  
fternoon.

tion, by order,

ll for preventing, &c., counterfeiting of the common  
k bills, &c., of the Bank of North America, was read  
me.

me was read the third time, by paragraphs, and passed  
cil.

d that the same be transcribed.

ned till to-morrow morning at 10 o'clock.

TUESDAY, A. M.,

The Council met. Present the same members except Mr. Bassett.

*Ordered*, That Mr. Collins deliver to the House the bill for auditing and arranging the accounts of the Treasury together with the bill for preventing and punishing the forging of the common seal, bank notes, &c., for the consideration of the Council, North America, for their consideration.

Dr. Ridgely, a member of Assembly, attending and delivered to the Chair a letter from John P. 28th instant, to Col. Charles Pope, respecting the same together with a proposal for the appointment of a committee of the Council to confer with a committee of the House on the subject matter of the said letter.

Adjourned till 3 o'clock, P. M.

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EOD

The Council met.

Mr. Collins now reported the delivery of the paper to him, according to order.

On motion, by order,

The letter from John Pringle, and the proposal for the appointment of a committee on the part of the Council and a committee of the House of Assembly on the subject of the said letter, were severally read the first time.

By special order, the said resolution was read and concurred in.

And thereupon

7, That Messrs. Collins and McDonough be a committee of this House to confer with the committee of the Assembly on the business above mentioned.

, That the said letter and resolution, with the concurrent appointment of the Council thereto, be returned, by name, to the House of Assembly;

being returned, reported the delivery thereof according

on, by order,

kinson's resignation of the Presidency of this State, by order under his hand and seal, was read the first time, and is viz :

I, the subscriber, hereby resign to the General Assembly of the Delaware State the office of President, Commander-in-Chief and Capt.-General of the State. In witness whereof I have hereunto set my hand and affixed my seal, at Dover, this 10th day of January, in the year of our Lord one thousand seven hundred and eighty-three.

ed) JOHN DICKINSON."

on, by order,

otions of James Abbott and George Abbott were severally read the first time.

on, by order,

to exclude members of the General Assembly from the profit, &c., was read the first time.

on, by order,

Col. Henry Neill's pay-roll of the Second Delaware Regiment was read the first time.

on, by order,

for raising £ 26,250 for the service of the present year was read the second time.

ed till to-morrow at 10 o'clock.

3

WEDNESDAY, A. M.,

The Council met. Present the same members and also Mr. Bassett.

The Council, taking into consideration the report of the Congress of the 30th of October and 2d of November, passed the following resolution, viz :

WHEREAS Congress, by their resolutions of the 1st and 2d of Nov., 1781, called upon the United States to pay respective quotas of eight millions of dollars for the support of the Government and civil list for the then ensuing year, and the State's computed quota was 112,085 dollars; and an act of Assembly entitled "An act for raising £23,600 for the service of the year 1782," passed the 13th of December, 1781, recognizing the requisition of Congress for the supplies and money necessary for supporting the American States, and defraying other expenses incurred in the service of the present war, is the only fund out of which the said computed quota aforesaid may be discharged; and that by the said act of Assembly the said sum of £23,600, when paid into the Treasury, is made subject to the joint order of the Speakers of the Council and Assembly by order of the respective Houses; it is therefore

*Ordered and Resolved*, That the respective Speakers of the Council and Assembly be and they are hereby authorized and required to make a joint draught upon or warrant to the State Treasurer, or the Receiver appointed by the Superintendent of Finance of this State, upon the order or orders of the said Assembly, for the sum of £21,015 : 18 : 9, equal to one moiety of the said computed quota of the said 112,085 dollars, which shall come into the Treasury of the State by the said means of the above mentioned and recited act of Assembly, the said State Treasurer taking such Receipts as shall be given by the Superintendent of Finance.

*Ordered* that the same be transcribed.

Adjourned to 3 o'clock, P. M.



## EODEM DIE, P. M.

uncil met.

That Mr. Bassett deliver the foregoing resolution to the Assembly, for their consideration and concurrence.

Bassett reported the delivery thereof according to order.

tion, by order,

for raising £26,250, &c., for the service of the present year, read the third time, by paragraphs, and after some time the further consideration is postponed till to-morrow.

James, a member of Assembly, attending, was admitted to the Chair the bill for auditing and arranging the accounts of this State, &c., with a paper of amendments proposed by the House of Assembly.

James also delivered the bill for preventing and punishing the counterfeiting of the common seal, bank notes, &c., with a paper of amendments proposed thereto.

James also returned the resolution of Council, concerning the resolutions of Congress of the 30th October and 1781, with a paper of amendments proposed.

James also delivered a proposition from the House of Assembly for nominating persons to be balloted for as Delegates to Congress.

Adjourned till 9 o'clock to-morrow morning.

THURSDAY, A. M.

The Council met. Present all the members.

On motion, by order,

The general account of William Millan, and committee of the House of Assembly on the same, first time, and an amendment was proposed to the account; which was agreed to, and ordered to be read.

The committee of Council appointed to consider the committee of the House of Assembly on the subject of John Pringle's letter relative to the fitting out of a vessel belonging to this State, now laid their report on the table.

The Council now proceeded in the further consideration of a bill for raising £26,250, &c., by a general tax on the land; which was further postponed till the afternoon.

*Ordered*, That Mr. Grantham deliver to the President the copy of the President's resignation of the Presidency together with the general account of William Millan, and paper of amendments proposed thereto by the committee.

Adjourned till 3 o'clock, P. M.

EOR

The Council met and debated upon the paper of amendments proposed to the bill for raising £26,250, and sundry amendments proposed to the bill, which were agreed to, and ordered to be transcribed and sent to the House of Assembly; who now reported to the Council the result of the papers committed to him, according to the order.

Mr. Peery, a member of Assembly, was admitted to the Chair the account of Robert Bryan, of New Castle County, for money advanced to him.

ned till to-morrow at 10 o'clock.

" IN THE HOUSE OF ASSEMBLY

" FRIDAY, A. M.

"The House resumed the consideration of the bill for auditing and arranging the accounts of the County, and the same being examined and reported, it appears that there is a balance of £49 : 0 : 4 due to Wm. Millan to this State ; but it is hereby directed that no errors or delinquencies as may happen on the supplies, amounting to £594 : 9 : 9¼, will be charged on William Millan is charged in the aforesaid bill, and is hereafter allowed to him upon his producing a duly authenticated under the hands of the Justices of the peace of the hundred in which such delinquency may have been committed.

"JAS. BOOTH, CLERK.

"Sent for concurrence.

*Ordered*, That Mr. Grantham return the foregoing bill to the concurrence of the Council thereto, and that he deliver the vouchers accompanying the same, to the House of Assembly.

Mr. Grantham reported the delivery of the bill to the House of Assembly.

The Council now took into consideration the bill for auditing and arranging the accounts of this State, &c., and the amendments to the said bill, and also the amendments of the House of Assembly ; which were transcribed.

Mr. Peery, a member of Assembly, was ordered to the Chair a message from the House of Council, of this morning, relative to the address of John Dickinson, Esq., late President of the Council, and the said address.

*Ordered*, That Mr. Collins deliver to the House the bill for auditing and arranging the accounts of the State, &c., with their paper of amendments general and particular to the Council, and a paper of additional amendments to the bill and amendments of the House of Assembly.

Adjourned till 3 o'clock, P. M.

## EODEM DIE, P. M.

uncil met.

ins now reported the papers committed to him delivering to order.

on, by order,

message from the House of Assembly to the Council was as follows, viz :

## MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

men :

Assembly transmitted to your House their resolutions fourteenth instant, founded on an address, which is also from John Dickinson, Esq., President of the Supreme Executive Council of the Commonwealth of Pennsylvania and late President of this State, for your consideration and concurrence ; and as the said resolutions are not yet reported it is uncertain whether your house have acted or inacted thereon.

present circumstances of the State, in the opinion of this House require the determination of the General Assembly on the subject of the said resolutions, and therefore this House discharge their duty to request that your honors may return the said resolutions either altered, amended, confirmed, or rejected, by your vote agreeable to the Constitution.

and by order of the House of Assembly,

and) SIMON KOLLOCK, *Speaker*.

, Jan. 31, 1783."

Warratt, a member of Assembly, was admitted and delivered in the Chair the bill for raising £26,250, &c., with the paper amendments proposed thereto by the Council in part acceded to and in part disagreed to by the House of Assembly, and amendments proposed by the House of Assembly to the amendments of the Council.

The resignation of John Dickinson, Esq.,  
Commander-in-Chief of this State, being read,

*Resolved*, That the same be accepted.

*Resolved also*, That the place of President  
Mr. McDonough wait upon the House of Asse  
to them that both Houses of the General As  
o'clock to-morrow, in the Council Chamber, to  
persons to be balloted for as President of this

On motion, by order,

The resolution of the House of Assembly fo  
sons to be balloted for as Delegates to Congres

*Ordered*, That Col. McDonough wait upon  
sembly and inform that House that the Coun  
day, at 10 o'clock in the forenoon, for the ti  
of the two Houses of the General Assembl  
Chamber, for the purpose mentioned in the ab

Mr. McDonough reported the delivery of th  
papers according to order.

On motion, the Council came to the followin

WHEREAS great delays have happened in th  
State tax directed to be raised by the two seve  
bly, passed in the months of June and Nover  
injury of public credit and public service ; ther

*Resolved*, That the respective County Treas  
do forthwith call upon the several Collectors o  
their County to render a true and just account  
the Treasurer of their County the sums wh  
ought to have paid either under the act of Ass  
entitled "An act for raising seven thousand  
seventy-five pounds, in specie, for the service  
by a general tax," passed the 18th of June,  
the act entitled "An act for raising £23,625,  
service of the year 1782, passed the 13th Nove

*Resolved also*, That in case of non-payment  
sums they ought to have respectively paid un  
June, 1781, and of at least three-fourths parts

ly ought to have paid according to the directions of the  
 of Nov., 1781, by or before the 25th day of April next,  
 County Treasurers, respectively, shall certify the names  
 defaulting Collectors, with the sums which they ought to  
 d, to the Clerk of the Peace of his County, who, under  
 tion of the Attorney General, shall cause suits to be  
 upon the bonds given by such defaulters for the faith-  
 mance of their duties in the execution of the respective  
 acts aforesaid, returnable to the next May term.

d, That copies of the foregoing resolutions be made out  
 with delivered, as well to the respective County Treas-  
 resaid as to the several Clerks of the Peace, Attorney  
 and State Treasurer, which Treasurers and Attorney  
 are to report their proceedings in the premises to the  
 Assembly, at their next sitting.

d, That Mr. Joshua Polk deliver the same to the House  
 bly.

lk reported the delivery according to order.

tion, by order,

ll for discharging the half pay of officers of the Dela-  
 iment, dying in the service, to their widows, &c., was  
 first time.

tion, by order,

port of the committee of conference on the subject mat-  
 r. John Pringle's letter respecting the State schooner,  
 the first time.

aples, a member of Assembly, delivered to the Chair the  
 verbal message, viz :

AL MESSAGE TO THE COUNCIL FROM THE HOUSE OF  
 ASSEMBLY.

en :

House of Assembly agree to your proposition that both  
 of the General Assembly meet, in the Council Cham-  
 morrow at ten o'clock in the forenoon, for the purpose  
 nating persons to be balloted for as President and Com-

99

“mander-in-Chief of this State, and also as D  
“State to Congress for the ensuing year ; at  
“place the Assembly will meet your honorab  
“transaction of this business.

“Friday, P. M., Jan. 31, 1783.”

The same member returned the resolution re  
lectors of the Public Taxes, concurred in by the

Adjourned till to-morrow at 10 o'clock.

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SATURDAY, A. M., Feb

The Council met. Present all the members.

*Ordered*, That Mr. McDonough wait on the  
bly and inform them that the Council are now  
them, in the Council Chamber, to put in nom  
be balloted for as President of this State, and  
to represent this State in Congress for the ensu

The House of Assembly met the Council  
Chamber, agreeable to the order of the day,  
the nomination of persons to be balloted for as  
names were taken down for the consideration o  
both Houses.

Previous to the nomination for persons to  
Delegates to Congress, it was

*Resolved*, That four persons be elected to re  
in Congress for the ensuing year.

Then the General Assembly proceeded to t  
Delegates ; but before this business was comp  
was moved by Mr. Peery, “whether any pers  
inhabitants of or resident within this State sho  
represent the State in Congress.” Then the  
was moved and seconded, and being put, passe



General Assembly, having completed the business for convened,

tion, agreed that the two Houses now separate, and the Assembly Room, at 4 o'clock this afternoon, to a President and Delegates to Congress above men-

the House of Assembly withdrew, and the Council adjourned at 3 o'clock, P. M.

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### EODEM DIE, P. M.

Council met.

Mr. [Name], a member of Assembly, informed the Council that the members of Assembly were ready to receive them, in the Assembly Room, to ballot for a President, and also for Delegates to Congress out of the persons before nominated.

The Council met the House of Assembly, in the Assembly Room, and there, in General Assembly, proceeded to the election of a President for the State, and the members of both Houses to wit: nine of the Council and twenty-one of the Assembly, then present, having prepared tickets with the names of the President to be appointed and put the same into a ballot-box, the Speakers of the two Houses, in the presence of the members, examined the ballot-box, and it appeared that seven votes out of thirty were in favor of the Honorable Nicholas Vandyke, Esquire; whereupon the said Nicholas Vandyke, Esquire, is declared duly elected President of this State for the term of three years next ensuing, and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the Constitution or system of government.

The General Assembly then proceeded to the election of Delegates to represent this State in Congress for the ensuing year out of the persons put into nomination in the forenoon, and the ballot-box examined, it appeared that there was a majority of

votes in favor of Cæsar Rodney, James Tilton, and Gunning Bedford, Jr., Esquires; whereupon Rodney, James Tilton, Eleazar McComb, and Jr., Esquires, are declared duly elected Delegates to this State in Congress for the ensuing year.

On motion, agreed that the two Houses notify the Council withdrew, and adjourned till 10 o'clock next.

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MONDAY, P. M.

The Council met. Present all the members, William Polk and Mr. Bassett.

On motion, by order,

The resolutions of the House of Assembly relative to the State schooner were read the first time.

By special order, the same were read the second time. The first of the said resolutions was concurred in, with the propriety of the Vice-President's instructions to the Governor, Pope as to the sale of a part of the said schooner was disagreed to; and thereupon the Vice President moved for the 13th instant, and the several papers relative to the subject, and referred to in the said message, were read, the same being read, Mr. William Polk moved for leave to introduce a bill for fitting out or selling the said State schooner, was granted; and thereupon a bill, entitled "An Act for selling the State schooner," was laid upon the table, and read the first time.

On motion, by order,

The petition of Isaac Short was read and referred to Messrs. Grantham and McDonough, to inquire into the facts alleged therein and to report their opinion on the same.

On motion, by order,

petition of James Abbott was read the second time and referred to the same committee.

motion, by order,

the petition of George Abbott and Charles Williams was read the second time and referred to the same committee.

motion, the resolution of the General Assembly of this State, the 12th February, 1781, appointing William Peery, to settle and state all the accounts between this State and the United States, and empowering him to call for such books and papers relating to the said accounts as might have come to the hands of any person in public office, and directing him to report to the General Assembly as soon thereafter as he should be returning therewith as many original vouchers as could be obtained, or authentic copies, or other the best documents that could be obtained, was ordered to be read, and the same was read, and no report appearing to have been made thereon,

Resolved, That whereas, by the capture made by the enemy of the public papers in New Castle County, in the month of March, 1777, many of the original vouchers for supporting William Peery's account against the United States were then carried off, and the want of several of them only to be supplied by the memory of divers persons previous to that time entered into the public transactions; and that whereas the vouchers remaining subsequent to that time are much dispersed and irregular, that a Commissioner on the part of the United States has been appointed to make a settlement of all accounts between this State and the United States, and Mr. Peery authorized to lay the accounts of this State against the United States before the said Commissioner for liquidation and settlement, it is highly recommended that the General Assembly, previous to a final settlement of the said accounts, be informed in what state of readiness the accounts are for such settlement; therefore

Resolved, That Mr. Peery be called upon to report his proceedings under the said resolution of the 12th of February, and to return to the General Assembly an abstract or list of the charges selected by him and to be made in this State's account against the United States, specifying generally the sum charged therefor, with the time thereof, with the sum charged therefor, to the said account, and the omissions, if any, may be discovered and supplied.

*Resolved also*, That a copy of the foregoing resolutions be forthwith made and delivered to Mr.

Adjourned till to-morrow at 10 o'clock.

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TUESDAY, A. M.

The Council met. Present all the members, set and Mr. Joshua Polk.

*Ordered*, That Mr. Baning deliver to the House the resolutions directing a report of the state of war between this State and the United States.

Mr. Baning, being returned, reported the deliverings according to order.

On motion, by order,

The amendments proposed by the House of Representatives of the Council founded on the resolutions of the 30th October and 2d November, 1781, were agreed and agreed to.

*Ordered*, That the said resolutions, as amended, be sent to the House of Assembly for concurrence.

Mr. Gordon, a member of Assembly, was admitted to deliver the resolutions directing a report of the state of war between this State and the United States, with the amendments of the House of Assembly thereto.

The Council now took into consideration the bill proposed by the House of Assembly to the bill for punishing the counterfeiting of the common Bank of North America, and agreed that the bill should pass the House and be engrossed.

On motion, by order,

The Council now took into consideration the

posed by them and by the House of Assembly to the  
 ing £26,250, &c., and, upon the motion and question,  
 the Council adhere to their first amendment by striking  
 words [twenty-six thousand two hundred and fifty] and  
 instead thereof the words [thirty-nine thousand]?" the  
 determined to adhere to their said amendment.

Polk required the yeas and nays on the said question  
 ed on the minutes. They are as follows, viz :

*question*—Mr. Read, Mr. McDonough, Mr. Grantham,  
 s.

*the question*—Mr. William Polk, Mr. Baning.

tion was carried.

the motion and question, " Shall the Council adhere to  
 , 12th and 14th amendments, for the changing the  
 the collection of the State tax, proposed by the said bill,  
 the power of collection in one person in each county,  
 accountable in the Auditor's office by rendering his ac-  
 re of the collections on the 20th of July and the 1st of  
 , and finally accounting there on the said 1st day of  
 , paying in the meantime to the State Treasurer, on  
 days of June and October, the several proportions di-  
 be raised in each county, thereby changing the col-  
 um the collectors of hundreds and their account and  
 to the County Treasurer, and by him to the State  
 )" the Council determined to adhere to the said  
 uts.

ereupon Mr. W. Polk required the yeas and nays on  
 question to be entered on the minutes. They are as  
 z :

*question*—Mr. Read, Mr. McDonough, Mr. Grantham,  
 s.

*the question*—Mr. Wm. Polk, Mr. Baning.

tion was carried.

on the following message, stating the reasons of the  
 adherence to their said amendments, and rejecting

those proposed by the House of Assembly, w  
agreed to, and ordered to be transcribed, to w

*Gentlemen;*

The Tax Bill for the present year, with its  
ments, hath been further considered by the  
mature deliberation they are still of opinion  
*thirty-nine thousand pounds*, as proposed in  
ment, is a necessary one, to be raised for t  
in the bill, to wit: to answer the two requisiti  
gress of *forty-four thousand eight hundred do*  
of the sums due to the inhabitants of the Sta  
nished for the Army of the United States, m  
the credit of the State, and public services p  
behalf of the State, and to be paid for by th  
instance, the interest on certificates given t  
soldiers of the Delaware Regiment, and the  
cidental expenses of the State within the year  
satisfied that even this sum will be inadequ  
poses, but, from the deficient manner in wh  
counts of the State have been kept, they c  
say with precision how much more will be w  
the Council advert to their second propos  
ceeded to by your House, they must supp  
your opinion; for as the bill first stood th  
£26,250 must have been considered as only a  
so, for the purposes there expressed in its pre  
ted the sums to be paid to the inhabitants fo  
for the army to the latter part of the year 178  
the year 1781, to monies borrowed within the s  
all prior demands of the inhabitants of the lik  
ably when taken together will amount to more  
ones of the latter part and beginning of the  
further confining the public services, which thi  
the first instance, to those performed by the c  
of Col. Neil's Battalion of Militia in the fall  
when prior services, yet unpaid, will probab  
that battalion is entitled to; therefore taking  
so much or more will be wanted for all these p  
cil apprehend it to be prudent and wise to  
somewhat adequate to the necessary uses the  
tioned, and prevent any suspicion that might

g one just creditor of the State to another, and particu-  
void a preference of the latter creditor to the prior one  
more years standing, and that the General Assembly,  
the disposition and application of the remaining part of  
oo is, after discharging the two requisitions of Con-  
y have it more in their power to satisfy the old, and  
y poor creditors of the State, and make some advances  
restoring of public faith and public credit within the  
entially necessary to its welfare and existence : whereas  
her hand, if the sum should be confined to the one  
ginal draught of the bill, there must be partial pay-  
d those payments may fall to the lot of the later creditor,  
to the influence he may make at the time of such dis-  
We should not, and we ought not, even to leave any  
such suspicion when in our power to prevent it. The  
re well aware of the great want of a due medium of cir-  
pecie within the State, and the difficulty attending the  
f its produce to a market where a further supply thereof  
obtained, but they are of opinion that the difficulty may  
nted, for that they know very many of the taxables of  
pooring States have and do still combat greater evils of  
ind. The Council conceive it to be their duty to exhibit  
wants of the State to their constituents, that they  
ide accordingly, and judge it ill policy to continue the  
f leaving the debts of preceding years unprovided for  
ticed, to accumulate, and by that means put it out of  
r of their constituents to pay them perhaps ever, as  
ceding year will have its particular charge, and an in-  
ne when we are called upon to provide for the payment  
erest of the national debt which the United States have  
d during the present war. A further argument which  
th the Council, is, that they have reason to believe  
s the intention of Congress, when they fixed their de-  
on the United States only to *two million of dollars* of  
illion which was their estimate for the War and Civil  
nt, (relying upon obtaining the other *four million* by  
n in Europe), thus to afford the States in the Union an-  
ty to raise extra sums to discharge their former internal  
s opportunity ought to be laid hold of ; justice to the  
ditors of the State, and the true interest of our consti-  
mand it of us—yet if, upon further deliberation had by  
orable House, you shall be of opinion, that the time

specified in the bill, and enlarged by our an collecting and finally paying in the said sum of further enlarged and thereby tend to the great ables of the State, we shall have no objection tion. As to the mode of collecting and after a receipt and payment of those quotas in each Co in our 11th, 12th and 14th amendments to the decidedly of opinion, that it ought to be adop adhere to those amendments. The barely stat ent modes proposed by the respective Houses, to throw light on the question, which of the t gible : The one in the original bill is a collectio twenty-four persons in the three Counties, ten, which number are respectively to account with more persons, one in each County, viz : the T and they after to account and pay to the State finally to a committee of the General Asser persons in the receipt and management of this with one another, except the State Treasur consider the accounting of the County Treasur Court, or their committee, in any degree either factory, no report, return or certificate thereof to the General Assembly, who ought to be p utely informed of the monies drawn from the public purposes in every stage of receipt and further, that none of the first twenty-seven p nomination or appointment of the represent directs the raising and applying of the State ta choice of any of them be ever so improper, c unfit for such duties, the General Assembly with all their imperfections, and solely rely on edy on the bonds to be given for the perform with this, that there must be twenty-four acc they are to be, more under the bill than un amendments ; for that by the amendments one County appointed by the General Assembly, a ability or removal, after by a session of Justice makes the whole collection of the quota of his over the respective portions of such quota imm State Treasury at the times limited for such seven weeks after his first payment, and in on second payment, he is to adjust and settle, in



of Accounts, for the amount of each portion, with an interest of *three per cent.* The balance of the first portion is paid into his second account, and its balance paid to the Treasurer in about seven weeks after settlement thereof, in case of failure, chargeable with an interest of *ten per cent.*

The mode, proposed by the Council, the collection is made by the Auditor, the accounting for, receipt and payment into the State Treasury by the same three, and that accounting is with the Auditor, the officer of the General Assembly, the Auditor of Accounts. Those situation is to be at Dover, nearly central as to the place of meeting of the General Assembly, and each member of the legislative and executive powers of the State may resort, and at a single view discover a state of such account and payment. And further, as to the accounting by the Auditor, the provisions in the amendments by Council shall be that he shall once in three months transmit into the Auditor an exact state as well of all the monies by him received, the names of the persons by whom paid, and the time of payment, as of the monies by him paid, to whom, on what account, in what order, and the time when; and at the expiration of the year he shall appear in the said office and lay his general account before the Auditor, who is to adjust the same. After this justification of the two modes, the Council cannot suppose it necessary to urge any arguments further, tending to shew that the present mode of collection and account, as proposed by the Council, is a complex one, requiring so many things to be done to complete it or compel its due execution; or that the mode proposed in the amendments by the Council is a simple one, wherein the conduct and acts of three persons specially for the service, are necessarily inquirable and the monies are got into the Treasury of the State; and may be known to and viewed by the representatives of the State whenever they meet in General Assembly. The first mode is true, hath been several years in use, but the best experience its existence is either inattention or want of a more satisfactory plan being struck out and offered to view; its defects were always apparent, and a competent remedy not expected to supply its place till now. It may be said that the present mode is here used rather prematurely, for that trial experience alone can justify the term, but as the usefulness of the single collection don't admit of a doubt, in

the opinion of the Council, they venture to assure they are, that pursuing the old plan of account they will only increase that chaos of unaccounted grants of monies and supplies, that it will be difficult, if not impracticable, to reduce it to furnish constituents an opportunity of knowing what the position and application of all that has been done by way of tax for several years past : none of which in the knowledge of the Council, have been intelligibly accounted for. The Council request the honorable House will please to take these their reasons from you in opinion as to the Tax Bill sent to them, and for their adhering to their amendments, in relation ; and be assured that the Council consider the same so important and necessary, on behalf of the people they represent, that until reasons, operating more strongly than those before enumerated, (though not all that have been in Council), shall be offered to Council, they will give their opinion in favour of their amendments.

Adjourned till 3 o'clock, P. M.

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Ec

The Council met.

Mr. Waples, a member of Assembly, attended and returned the bill for auditing and arranging the accounts of this State, &c., with the first amendments proposed by the House of Assembly generally agreed to by the Council, and additional amendments proposed to the said bill by the Council generally disagreed to by the Assembly, together with a further amendment proposed by the House of Assembly to the said additional amendments, which the Council.

The same member also delivered a letter from the Hon. J. Polk, dated this day, together with a resolution

for referring Major Polk's accounts to William Killen as Rodney, Esquires.

ne member also delivered a resolution for making provision for the subsistence of the Delaware Regiments.

ne member also delivered a resolution of the House of Representatives for the appointment of a committee to wait on Mr. [blank] to desire his answer as to his acceptance of the office of [blank].

Council now took into consideration the bill for auditing and arranging the accounts of this State, with the several amendments proposed thereto by the House of Assembly, and the Council adhered to their 5th amendment, which was disagreed to by the House of Assembly, and disagreed to the amendments proposed by the House of Assembly to the said bill, and adhered to the 1st, 2d and 3d amendments, and therefore passed a message, stating the reasons of such adherence, was read and agreed to, and ordered to be transcribed :

z :

for auditing and arranging the accounts of this State, with the respective amendments proposed by both Houses, and the bill as it originally stood as the subsequent amendments have been taken up and duly considered by the Council, and find themselves bound by opinion, and duty to their constituents, to reject the fifth amendment proposed by your House in your first paper, *restricting* the Auditor of the State from liquidating and settling any claims against the State for services performed, monies advanced or articles furnished by the legislative or executive power for the use of the State or for any other purpose, *before* the first day of March, and also to reject the additional amendment contained in your second paper, *seemingly* intended to enlarge the restriction occasioned by the fifth amendment, by permitting the Auditor's accounts to extend to accounts for such articles and things prior to the first day of March, *not already exhibited* to the General Assembly, for which the laws of this State have directed no particular mode of settlement.

The Council framed this bill, among the many objects of

public utility they had in view, the first was Houses of the General Assembly from that were then under with the very many accounts exhibited for years past, and dispersed among of papers.

The disinclination of the respective members to accept of a place on the Committee of Accounts had been spent in the present session, and made in that business, with the great interruption of other general and more peculiar business of the Assembly, convinced the Council of the necessity of providing and adopting a mode, better calculated for a speedy settlement of all public accounts after, for the regular entry and state of the accounts found, by some person well skilled in stating of accounts in mercantile and intelligent entry, subsequent to settlement, hath been allowed before, and the State left open to second, this for the same articles, and no other chance of composition but the recollection, perhaps, of an unless the old bundles of accounts of preceding years were minutely examined. The Council therefore, on the fifth of your fifth amendment, agreed to reject it, as the first object of their bill, *that* of immediate liquidation and settlement of all public accounts be referred to the Auditor, whose daily expenses would not be the thirtieth part of the sum that were then sitting at, and but small progress of business—ten days expense of the present General Assembly equal to a full years allowance for the service. And upon the same grounds the Council disapproved the amendment in the third paper, as it tended to the examination of accounts already exhibited, and almost every year would be exhibited, for matters or things past the first of March. This the Council considered as not reasonable, either as to the State expense, or that of the two only of whom had been in waiting in the present session, one for five and the other for more than ten of the accounts could be examined, reported and determined. The Council also considered the last part of the said amendment as exempting every public debtor or creditor from the Auditor's settlement and bringing them before

which ought not to be with respect to any, except Hunters (who were specially excepted in the original bill, our honorable House, by their eighth amendment, *left* to such account with the Auditor for any monies they owe after the first day of March next) and Trustees of Office; for, according to the best recollection of the other accountants under laws of the State are generally account with the General Assembly or their committees, the fixed purpose of the Council to have transferred to, or, whenever established, or otherwise a principal part of the public account will be lost to the public, as also to the accountants, the first, saving that great expense of the two Houses to transact this business, a want of knowledge, and, too much attention to it when under consideration—and as to the Auditor, his tedious and expensive attendance on such set-

Our honorable House will therefore discover, from what is said for rejecting your addition to your fifth amendment, that the Council thought it necessary—after your first paper of amendments had been laid before them, and most of them agreed to, *in* *the* *sake* of immediately establishing an office so useful to the State—to offer their fourth amendment as in the second paper, directing the collecting and transmitting of all the public accounts in the possession or care of either House to the office of the Auditor, to be forthwith liquidated and settled, all which might be done before the next meeting of the General Assembly. In the direction for the Auditor to examine and revise the accounts, and report all substantial errors or omissions, which have been told, and they think from authority, that we have lately, in a neighboring State, by such revision of accounts, had discovered an error of *fifteen hundred pounds* in the account of *an individual*, such a sum standing in the settlement charge against the State, when it should have stood as a credit against that individual accountant in favor of the State. Such instances may have happened in a long train of accounts settled under a variety of circumstances productive of errors; and as such revision would add but little to the expense of the State, the Council deemed it prudent to direct the Auditor, not doubting that every guardian of the people's rights and property would wish to be informed of *substantial wrongs* done to that property, and therefore Council conceived it their

duty to point out this as saving from such adhere to that fourth amendment as in the se

Then as to the first and second additional a  
ed by the Council, as in the second paper, t  
some mode for calling every public debtor,  
that which his duty and trust required, that  
count of his transactions in money matters i  
to the common officer of the State, was ab  
be prescribed to render that officer an usefu  
and as your honorable House, by their e  
amendments, in the second paper, had d  
clauses in the original bill that were framed  
compelling the public debtor, or trustee, to a  
pay what he should have been found indebt  
summary way, the Council, by their first and  
in the second paper, placed a *delinquent* de  
on the same footing with the witness who wa  
or against the delinquent, by enabling the Au  
same kind and form of compulsory process to  
before him as by the same tenth section of t  
proved of by your honorable House, the Au  
and directed to use for the appearance of th  
was the surprise of the Council to discover  
this so mild, and, as they conceive, unexpect  
sary power of the Auditor—for to say that a  
left to his sole will and pleasure whether he  
trust, and yet that, if he pleases to come forw  
persons who, by accident or otherwise, have  
conduct, or of the transactions to be account  
pelled by a form, *too rigorous for the delinq*  
give evidence relative to the subject matter  
account. As many such delinquent accounta  
where no bond and security hath been given  
before said applies to such, and must discove  
House the palpable impropriety of appointi  
cise the power of settlement, and yet withho  
effecting it. Then, as to such whose bonds c  
include the right of suits thereon for not acco  
to exercise all the delays and chicanery used  
Common Law Courts before even a judgmen  
had thereon. By these second last mention  
power of the Auditor over him is no more th

s witness, which is to compel an appearance and exhibit  
 at ; for as to the recovery of any sum declared by the  
 to be due thereon, the suit, on his bond if such given,  
 n as in common cases of debts to private persons, is to  
 at and pursued in the Courts of Law. Upon the whole,  
 cil hope that when your honorable House shall be pos-  
 their reasons for determining as they have on the first,  
 and third papers of amendments, they will concur with  
 cil, and not let so useful, necessary and important a bill  
 gh, and be lost to the State, and thereby remove every  
 that might be suggested, that the Representatives of  
 e, or any of them, were disposed to countenance delin-  
 the public servants and accountants.

tion, by order,

tion of William Simpson, and the resolution of the  
 Assembly thereon, were read, and an amendment to  
 resolution was proposed, agreed to, and ordered to be  
 d.

tion, by order,

resolution for the appointment of a committee to wait on  
 yke, &c., was read the first time and concurred in, and  
 ws, viz :

“IN THE HOUSE OF ASSEMBLY,

“TUESDAY, P. M., Feb. 4, 1783.

otion,

ved, That a committee of three be appointed on the  
 this House, to join with a committee to be appointed  
 Council, for the purpose of waiting upon N. Vandyke,  
 , and desiring his answer with respect to his acceptance  
 office of President and Commander-in-Chief of this State,  
 n he was appointed by the General Assembly on Satur-

members chosen : Mr. Duff, Mr. Molleston, and Mr.

“JAS. BOOTH, *Cl'k of Assembly*.

for concurrence.”

I

And thereupon,

*Resolved*, That Messrs. Collins and Williams be a committee on the part of the Council to join with the House of Assembly for the purpose above.

Adjourned till to-morrow at 10 o'clock.

WEDNESDAY, A. 1

The Council met. Present all the members and Mr. Joshua Polk.

*Ordered*, That the resolutions of Council, for the ratification of the resolutions of Congress of the 30th of October 1781, as amended by the House of Assembly, be sent to the Council, be sent, together with the original paper of amendments, to the House of Assembly for concurrence; and the petition of William Simpson of the House of Assembly thereon, with the proposed thereto by the Council; and also the appointment of a committee to wait on Mr. Simpson for the concurrence and appointment of the Council.

Mr. Polk reported the delivery according to order.

On motion, by order,

The resolution of the House of Assembly for the subsistence of the Delaware Regiment in New Castle County, was read the first time.

By special order, the same was read the second time, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY

“ TUESDAY, P.

“ WHEREAS no provision hath been made for the subsistence of the Delaware Regiment, now cantoned in New Castle County; therefore



ed, That Samuel Patterson, Esquire, Treasurer of this  
 e and he hereby is empowered to contract, upon the  
 derate terms that can be obtained, for supplying the  
 ment with rations and necessary accommodations dur-  
 continuance in this State, or until otherwise provided  
 that the said Treasurer apply to the Superintendent  
 ce for the repayment of the money thus expended for  
 istence and accommodation of the said troops ; and in  
 same cannot be obtained, he is hereby empowered  
 the amount of such expenditure out of the public tax  
 esent year, when the same may come to his hands, the  
 e Treasurer's accounts thereof being first adjusted by  
 eral Assembly.

“JAS. BOOTH, *Cl'k of Assembly.*

or concurrence.”

on, by order,

for fitting out or selling the State schooner, was read  
 time.

ed till 2 o'clock, P. M.

---

EODEM DIE, P. M.

uncil met.

If, a member of Assembly, attending, was admitted and  
 o the Chair a bill entitled “An act for levying and col-  
 ers sums of money remaining due for taxes in Conti-  
 s of Credit therein mentioned, and for other purposes.”

ne member also delivered a letter, dated January 3d,  
 the Assistant Secretary at War, with a set of resolu-  
 completing the Delaware Regiment, &c., founded on  
 mentioned letter.

es, a member of Assembly, was admitted and returned  
 Chair the resolution of Council, founded on the resolu-

tions of Congress of the 30th October and 2  
concurring in by the House of Assembly, together  
attending the same.

The same member also delivered the petition, the resolution of the House of Assembly and the amendment proposed thereto by the House of Assembly, with a resolution of the House of Assembly for the payment of £30 to the speaker and an order, signed by the Speaker of the House of Assembly for the said sum of £30 in favor of the said speaker, which was accordingly signed by the Speaker.

The same member also delivered the accounts and Thomas Duff, Esqs., Commissioners appointed certificates given by the Quartermaster's and departments.

The committee to whom the petitions of Abbott, George Abbott, and Charles Will now delivered their report at the table, which time; and the petition of Isaac Short was referred to Moore, superintending the recruiting of the 1st to do therein what the good of the service and the circumstances of Short's company may, in his opinion, require. And an amendment was proposed by the Court made to Capt. James Moore, indorsed on the petition of James Abbott, George Abbott, and Charles Will and ordered to be transcribed.

On motion, by order,

The resolution for the payment of £30 t  
read and concurred in.

On motion, by order,

The resolutions founded on the letter from War, for completing the Delaware Regiment time.

By special order, the said resolutions were read, and some amendments were proposed, and the same were ordered to be transcribed.

That Mr. McDonough deliver to the House of Assembly engrossed bill for preventing and punishing the counterfeiting of bank notes, &c., with the original and amendments, to be compared and signed by the Speaker of Assembly; from the Assistant Secretary at War, with the resolution completing the Delaware Regiment, founded thereon, and amendments thereto; the resolution for providing for the Delaware Regiment, concurred in by Council; petitions of Isaac Short, James Abbott and George Abbott, Charles Williams, with an amendment proposed by Council in reference indorsed on James Abbott's petition, and the report from Council to the Assembly.

Adjourned to 10 o'clock to-morrow.

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THURSDAY, A. M., Feb. 6, 1783.

Council met. Present the same members as on yesterday.

McDonough now reported the delivery of the papers committed to him, according to the order of yesterday.

Colleston, a member of Assembly, was admitted and read the engrossed bill for preventing and punishing the counterfeiting of bank notes, &c., (with the original) signed by the Speaker of the House of Assembly, with a resolution to affix the seal to the same.

A member delivered the resolutions for completing the Delaware Regiment, with the amendments proposed thereto by the Council, concurred to by the House of Assembly, accompanied with the said resolutions, as amended, for the concurrence of Council.

A member delivered the petition of Isaac Short, with the report to Capt. James Moore indorsed thereon, concurred in by the House of Assembly; and the petitions of Jas. Abbott and George Abbott, and Charles Williams, with the amendments proposed, concurred to by the House of Assembly.



*ved*, That the President or Commander-in-Chief be and hereby empowered and requested to write to the Secretary of War, informing, that this State will engage to complete the Delaware Regiment to four companies by the twenty-fifth of March next.

Capt. James Moore be directed forthwith to proceed to recruiting of fifty-four men for the purpose of completing the Delaware Regiment to four companies; in which business he shall govern himself in all things agreeable to the resolutions of the General Assembly of the 13th of November, 1781, and 17th of February, 1782, except so far as the same relates to the bounty allowed to each recruit, which shall be the sum of *six* dollars and no more; and the said James Moore shall be entitled to the same rewards and emoluments for this service as are specified in the said resolutions.

That the President or Commander-in-Chief be and he is hereby authorized to draw his orders upon the Treasurer of this State from time to time, in favor of the said James Moore, for such sums of money as he shall judge necessary for the said recruitment service, not exceeding in the whole the sum of *five hundred and fifty pounds*.

WHEREAS it hath been represented, that a number of soldiers from the Delaware Regiment have signified their desire to be paid such sums of money for their discharge therefrom; and in the opinion of the General Assembly, be sufficient to enable them to substitute to serve in the said Regiment; therefore

*ved*, That Capt. James Moore be and he is hereby empowered and directed to give a discharge to any deserter from the said Regiment who shall pay to the said James Moore, before the tenth day of March next, such sum of money as he shall deem sufficient to procure a substitute for that soldier; which discharge shall be as valid, to all intents and purposes whatsoever, as if the same had been given by the General Assembly.

“JAS. BOOTH, *Cl'k of Assembly*.

for concurrence.”

Mr. Harratt, a member of Assembly, was admitted and delivered from the Chair a resolution of the House of Assembly for the

appointment of a committee of conference, House of Assembly, to confer with a committee on the subject matter of the amendments proposed, raising £26,250 for the service of the present year.

Adjourned till 3 o'clock, P. M.

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The Council met.

Mr. Carty, a member of Assembly, attended and delivered to the Chair a resolution of the Council to adjourn, to-morrow in the forenoon, to some future day.

On motion, by order,

The resolution for the appointment of a committee of conference on the subject matter of the amendments proposed, raising £26,250, was read, and then a verbal message was proposed at the table and referred to the Council.

*Gentlemen :*

The Council are at loss to know upon what principle or practice the House of Assembly have formed their resolution aforesaid, as the Council apprehend that the committee of conference are appointed and had between the two Houses of a legislature, they are to communicate the reasons of their branch may have for a difference of opinion on the subject of the measure, after to be represented by each House in their respective Houses. In the present case the Council are in possession of the reasons which induced the House of Assembly to make, and after to adhere to, their amendment of the Bill ; therefore Council apprehend, that a committee of conference of both Houses, either in the manner adopted by the Council, their resolution now before Council or in the manner proposed, will not answer any good public purpose, and that the reasons which induced the House of Assembly to make, and after to adhere to, their amendment, or reject the amendments, are laid before the Council.

That Mr. McDonough wait on the House of Assembly and deliver the above message.

On motion, the Council now concurred in the references made to James Moore, indorsed on the petitions of Isaac Short, Robert, George Abbott and Charles Williams.

That Mr. McDonough return the said petitions to the House of Assembly, and deliver the bill for preventing and punishing the counterfeiting, &c., signed by the Speaker.

Adjourned till to-morrow at 9 o'clock.

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FRIDAY, A. M., Feb. 7th, 1783.

The Council met. Present the same members as on yesterday.

Mr. McDonough reported the delivery of the papers according to the order of yesterday.

On motion, by order,

For discharging the half pay of officers of the Delaware who died in the service to their widows, &c., was read the bill and will pass.

That the same be sent to the House of Assembly to be considered by the Speaker thereof.

On motion, by order,

The grossed bill for levying and collecting divers sums of money remaining due for taxes in Continental Bills of Credit, &c., mentioned, and for other purposes, was read the first time.

On motion, by special order, the same was read a second time, and concurred in by the Council, and was signed by the Speaker.

That Mr. Grantham deliver the foregoing bills to the House of Assembly.

Mr. Grantham reported the delivery according to order.

Mr. Duff, a member of the House of Assembly, delivered to the Chair resolutions for Delegates to Congress.

Adjourned till 3 o'clock, P. M.

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The Council met, and

*Ordered*, That Mr. Collins deliver to the the bill for auditing and arranging the accounts &c., with its several amendments, and the statement of the reasons of Council for their adoption of their amendments to the same bill.

Mr. Collins reported the delivery according to order.

On motion, leave was given to bring in a bill "A supplementary act to the act entitled 'An act to regulate the trade of this State on the River St. Lawrence,' " whereupon a bill for that purpose was read, and, by order, read the first time.

By special order, the same was read a second time.

*Ordered*, That the same be transcribed and printed, and sent to the House of Assembly, for their consideration together with the resolutions for recruiting the militia to four companies.

Mr. Bryan, a member of Assembly, was called to the Chair the bill for the discharging the widows or children of the officers of the militia &c., and also the bill for the levying and collection of money remaining due for taxes in Connecticut respectively signed by the Speaker of the House of Representatives together with a resolution of the House of Assembly to affix the Great Seal to the said bills.



7, That the Speaker sign the bill for the discharging of  
 pay to the widows or children of the officers of the Dela-  
 ment, &c.; which was accordingly done.

ion, by order,

olution was read for affixing the Great Seal to the above  
 laws, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, P. M., Feb. 7, 1783.

otion,

ed, That the President and Commander-in-Chief affix  
 at Seal of this State to the following laws, to wit :

ct for the discharging of the half pay to the widows or  
 of the officers of the Delaware Regiment who have  
 may die in the service of the Continent;’ and

ct for the levying and collecting divers sums of money  
 g due for taxes in Continental Bills of Credit, herein  
 ed, and for other purposes.’

“ JAS. BOOTH, *Cl'k of Assembly.*

or concurrence.”

7, That the said bills, respectively signed by the  
 and the resolution for affixing the Great Seal to the  
 curred in by the Council, be returned to the House  
 ly by Mr. W. Polk; who is also charged with the  
 of the engrossed bill entitled “A supplementary act to  
 titled ‘An act for the protection of the trade of this  
 ne Bay and River of Delaware.’ ”

ed till 10 o'clock to-morrow.

SATURDAY, A

The Council met. Present the same men

Mr. Polk now reported the delivery of the  
mitted to him, according to the order of ye

On motion, by order,

The accounts of Thomas Duff and Philip  
their services as commissioners for collecting  
the resolution for the payment of the same  
the first time.

By special order, the said resolution was  
concurred in, and is as follows, to wit :

" IN THE HOUSE OF ASS

" WEDNESDAY, A

"Two accounts against the State from  
"Philip Barratt, Esquires, for their servi  
"in the execution of a resolution of the C  
"the 18th June, 1781, for ascertaining the  
"issued within this State from the Quart  
"missary's Departments, were read and  
"Thomas Duff, Esq., £ 11 : 7 : 6, and to  
"seven pounds.

"*Resolved*, That the Speakers of both H  
"the State Treasurer for the payment of th

"JAS. BOOTH,

"Sent for concurrence."

Whereupon the Speaker signed an orde  
favor of the said T. Duff and P. Barratt, I

On motion, by order,

An account of Robert Bryan, Treasurer o  
for £255 : 19 : 4, and its vouchers, were r  
count was allowed.

tion, by order,

resolution for the payment of the same was read and considered and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ THURSDAY, A. M., Jan. 30, 1783.

Account of Robert Bryan, Esq., Treasurer of New Castle, was read, amounting to two hundred and fifty-five nineteen shillings and four pence, being for money added to the officers and soldiers of the Delaware Regiment, cash paid for rations for them from the 19th of January, to the 28th following, inclusive; which said account was ; and thereupon

Resolved, That the Speakers of both Houses draw an order State Treasurer for the payment of the said sum to the said Robert Bryan.

“ JAS. BOOTH, *Cl'k of Assembly.*

for concurrence.”

Upon the Speaker signed an order for that purpose.

Resolved, That Mr. Grantham return the foregoing accounts, and orders, and the resolutions for the payment of the which the concurrence of the Council thereto, to the House Assembly.

Grantham, being returned, reported the delivery accordingly.

Committee appointed by Council to join the House of Assembly for the purpose of waiting on Nicholas Vandyke, Esq., to whom he would accept the office of President and Commander-in-Chief of this State, report that the joint committee aforesaid on Mr. Vandyke and requested that he would please to deliver to the committee his acceptance of the office of President and Commander-in-Chief of this State ; whereupon he was required to declare his acceptance of the said office.

Council now went into the nomination of persons to be chosen for as Privy Councillors, and Gunning Bedford, Esq., Charles Pope, John Lea, Esq., and Alexander Porter, jr.,

Esq., were put into nomination, to be balloted at noon.

Mr. Carty, a member of Assembly, returned to the Council, and presented a bill, entitled "A supplementary act to the act entitled 'An act to regulate the trade of this State on the River Delaware,' " signed by the Speaker of the House of Representatives, together with a resolution to affix the Great Seal of the State.

*Ordered*, That the Speaker sign the said bill, and the resolution accordingly done.

On motion, by order, the foregoing resolution was concurred in, and is as follows :

" IN THE HOUSE OF ASSEMBLY

" On motion,

" *Resolved*, That the President and Council be authorized to affix the Great Seal of the State to the following

" 'A supplementary act to the act entitled 'An act to regulate the trade of this State on the River Delaware.' "

" JAS. BOOTH,

" Sent for concurrence."

*Ordered*, That Mr. Collins deliver the foregoing bill, signed and concurred in by the Council, to the House of Assembly.

Adjourned till 3 o'clock, P. M.

## EODEM DIE, P. M.

uncil met, and proceeded to the balloting for Privy out of the persons before put into nomination, and being examined, it appeared that Gunning Bedford, John Lea, Esq., were unanimously elected members of the Council.

The President of the Council now waited on the President and required as well the oath of allegiance and declaration of fidelity as prescribed by the twenty-second article of the Constitution of the State, as the oath of office, to his Excellency, Nicholas B. Esq., President of the Delaware State.

The Council took into consideration the per diem wages and other incidental charges of the Council, and the following accounts were presented, viz : \*

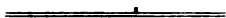
The Council adjourned till Monday, the 26th day of May next at the Town of Dover.

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Accounts are not recorded.



# UTES OF COUNCIL.



MAY, 1783.

## MEMBERS' NAMES

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### NEW CASTLE COUNTY

THOMAS McDONOUGH, ISAAC GRANTH.

### KENT COUNTY :

THE HON. JOHN COOK, JOHN BANING,

### SUSSEX COUNTY

WILLIAM POLK, JOSHUA POLK,



# RESOLUTIONS AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

---

ADJOURNED SESSION, MAY, 1783.

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Meeting of the Council at the Town of Dover, in Kent  
by adjournment, on Monday, the 26th day of May, A.  
a quorum of the members not attending, the Council  
from day to day until Tuesday, the 3d day of June,

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TUESDAY, P. M., June 3d, 1783.

Council met. Present the following members, viz :

*W. Castle County*—Isaac Grantham.

*at County*—The Honorable John Cook, John Baning,  
asset.

*sex County*—Joshua Polk.

, That Mr. Grantham and Mr. Joshua Polk be a com-  
wait on his Excellency, the President, and to inform  
the Council, having formed an House, are ready to  
y business which he may have to lay before them.

ed till to-morrow.

## WEDNESDAY

The Council met. Present the same members and also Mr. Read.

The committee appointed to wait on his Excellency, now reported that they had waited on the message committed to them, agreeable to yesterday, when he was pleased, in answer, to communicate his business, by way of message, to the Assembly, which in its due course would come.

Adjourned till 10 o'clock to-morrow.

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## THURSDAY, A. M.

The Council met. Present the same members.

Mr. Molleston, a member of the House of Representatives, was admitted and delivered to the Chair as President to the General Assembly of the State, together with its inclosures.

On motion, by order, the foregoing messages, were severally read, and the said messages, in the following words, viz :

*"Gentlemen of the General Assembly :*

"I beg leave to congratulate you on the event of peace, liberty and independence of the United States by the preliminary treaties between the United States and Great Britain. The accomplishment of these objects is a great blessing, and the aid of our Heavenly Father, and the aid of our fellow-citizens, placed America in an equal station among the nations of the Earth.

"Her attention should now be undiverted

worthy of the virtuous struggles by which she has, in her  
dent conflict, acquired her elevation ; and I hope, a reg-  
dministration of justice, and a due veneration of national  
will render her as respectable in peace as she has been  
ious in war.

ring your late recess, I have received the following public  
—from the President of Congress, of the 8th and 24th  
bruary last, and the 6th and 9th of May instant—from the  
tary for Foreign Affairs, of the 3d of January and the  
April—from the Superintendent of Finance, of the 22d  
bruary, the 2d, 20th and 25th of March, the 12th and  
of April, and the 9th, 12th and 20th of May.

ese letters, with their enclosures, I have directed the  
tary to lay before you. To such of these papers as re-  
your immediate attention, I am persuaded it is needless  
e to urge it, being well convinced of your disposition to  
ll necessary dispatch to the public business.

“NICHOLAS VANDYKE.

ver, 31 May, 1783.”

urned till to-morrow.

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FRIDAY, June 6th, 1783.

Council met. . Present the same members as on yesterday.

urned till to-morrow.

SATURDAY

The Council met. Present the same members.

Mr. James, a member of the House of Assembly, and delivered to the Chair a bill for altering the constitution of the Confederation.

The same member also delivered to the Chair a bill to the act for the further security of the Confederation.

The same member also delivered to the Chair part of an act entitled "An act to prevent the sale of goods and chattels, by virtue of executions, for a limited time, and for other purposes."

On motion, by order,

The bill for altering part of the 8th Article of the Constitution, was read the first time.

On motion, by order,

The supplementary bill to the act for the further security of the Government, was read the first time.

On motion, by order,

The bill for repealing part of an act entitled "An act to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes," was read the first time.

On motion,

The Council took into consideration the statement of the Superintendent of Finance to the Council, dated the 20th of May last; and it was resolved that a committee be appointed to prepare a bill by way of a supplement to the act entitled "An act to more effectually carrying into execution certain provisions of the twentieth and twenty-seventh days of March 1864, in order to further enable the commissioners of the said acts of Congress to perform their respective duties."

provision for the speedy and effectual recovery from individuals of debts due and effects belonging to the United States.

It was *ordered*, That Mr. Read, Mr. Bassett, and Mr. Grant, be a committee for the purpose aforesaid.

On the motion of Mr. Bassett, for leave of absence for a few days on account of his necessary attendance on a court in Cecil County in Maryland, the same application, on account of the pressing state of the public business now before the Council, and a want of a deficiency of members, was rejected.

On a notification from the Speaker of the Council, to the justices of the said court, stating the reasons of Mr. Bassett's non-attendance on the said court, was requested, and signed accordingly by the Speaker.

Adjourned till Monday next.

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MONDAY, June 9th, 1783.

The Council met. Present the same members as on Saturday.

A committee appointed to prepare and bring in a bill, by way of supplement to the act entitled "An act for aiding and more effectually carrying into execution certain acts of Congress of the 20th and 27th days of February last past," now reported, had essayed a draught of such a supplementary bill, which was laid on the table for the consideration of the Council.

William Polk attended in the Council, and, at his seat, made excuse for his non-attendance at an earlier period in the session; which was admitted.

On motion, by order,

A bill entitled "A supplementary act to the act entitled 'An act for aiding and more effectually carrying into execution certain acts of Congress of the 20th and 27th days of February last past,'" was read the first time.

By special order, the same was read the second time, and the third reading thereof ordered to-morrow morning.

On motion, by order,

The bill for altering part of the 8th Article of the Constitution was read the second time, and the same was ordered to be read the third time, and after some time spent therein the same is postponed till to-morrow.

Adjourned till to-morrow at 10 o'clock.

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## TUESDAY

The Council met. Present the same members as yesterday.

On motion, by order,

The supplementary bill to the act entitled "An act to amend the act passed at the session of the Council of the twentieth and twenty-seventh days of June, 1782, passed the 22d day of June, 1782, was read the second time, and will pass by paragraphs, and will pass.

*Ordered,* That Mr. Joshua Polk deliver to the House of Assembly, for their consideration, together with the letter from the Superintendent of the subject matter of the same bill; and that the House the President's Message of the 31st day of June, and the letters and papers accompanying the same.

Mr. Polk, being returned, reported the delivery of the papers committed to him, according to order.

The Council now resumed the consideration of the bill for altering part of the 8th Article of the Constitution, and proceeded in the consideration of divers amendments, and the same was further postponed until to-morrow.

Adjourned till to-morrow.

WEDNESDAY, June 11th, 1783.

ouncil met. Present the same members as on yesterday.

ty, a member of the House of Assembly, was admitted  
red to the Chair a bill to invest the Congress of the  
ates with a power to levy duties, &c.

ion, by order, the further consideration of the bill for  
art of the 8th Article of the Confederation, was now  
in, and the several amendments proposed to the same  
ed to, and ordered to be transcribed.

, That Mr. William Polk return the said bill, with the  
amendments proposed thereto by the Council, to the  
Assembly.

k reported the delivery according to order.

ion, by order,

d to invest the Congress of the United States with a  
levy duties, &c., was read the first time.

ion, by order,

to repeal part of an act entitled "An act to prevent  
of lands, goods and chattels, by virtue of executions,  
cases, for a limited time, and for other purposes," was  
second time, and sundry amendments to the same bill  
osed, agreed to, and ordered to be transcribed.

nes, a member of the House of Assembly, attending,  
ted and delivered to the Chair the bill for altering part  
Article of the Confederation, together with the paper  
ments proposed thereto by the Council acceded to by  
of Assembly, except as to that part of the first amend-  
posed by the Council, with respect to the preamble of  
hich was disagreed to by the House of Assembly.

ion, by order,

ouncil took into consideration that part of the amend-  
posed by them to the bill for altering part of the 8th

Article of the Confederation, which was House of Assembly, and receded therefrom said bill, with the amendments proposed to acceded to by the House of Assembly, should

*Ordered*, That Mr. William Polk return amendments to the House of Assembly, and the Council have receded from that part of the same bill which was disagreed to by them and that he also return to that House the bill of lands, goods and chattels, by virtue of which cases, for a limited time, and for other purposes the paper of amendments proposed thereto for their consideration.

Adjourned to 10 o'clock to-morrow.

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THURSDAY

The Council met. Present the same members.

Mr. Polk now reported the delivery of the bill submitted to him, agreeable to the order of yesterday.

On motion, by order,

The bill to invest the Congress of the State with power to levy duties upon all goods, wares, and merchandise imported into this State, &c., was read the second time, and further consideration thereof is postponed till to-morrow.

Adjourned till to-morrow.



FRIDAY, June 13th, 1783.

Council met. Present the same members as on yesterday.

Clayton, a member of the House of Assembly, was added delivered to the Chair the accounts of Peter White, Driver of Supplies for the County of Sussex, together with of the Joint Committee of Accounts and the proceedings of the House of Assembly on the said accounts.

tion, by order,

ll to invest the Congress of the United States with a levy duties upon all goods, wares, and merchandise into this State, &c., was read the third time, by parliament on the question being put, whether the words [the messuages and tenements], in the 5th line of the 4th page, should be left out, and the words [all the taxable property and personal], should be inserted in their stead, the as divided, and the Speaker gave his casting vote in the amendment, and the amendment being so carried, and nays were desired by Mr. William Polk. They are, to wit :

*amendment*—Mr. Read, Mr. Bassett, Mr. Grantham.

*it*—Mr. William Polk, Mr. Joshua Polk, Mr. Baning.

The Council proceeded in the further consideration of the and divers other amendments thereto were proposed, and ordered to be transcribed, and sent, together with to the House of Assembly, for their consideration and ce, by Mr. William Polk.

application of Mr. Joshua Polk for leave of absence till Monday next, the same was granted him.

ned till 9 o'clock to-morrow.

SATURDAY

The Council met. Present the same members except Mr. Joshua Polk.

Mr. William Polk now reported the deed committed to him, agreeable to the order of the Council.

Mr. Duff, a member of the House of Assembly, and delivered to the Chair a message, of the President, his Excellency, the President, with its inclosure.

On motion, by order, the foregoing message were severally read, and the said message is

*"Gentlemen :*

*"The Secretary will lay before you a letter received from our Delegates in Congress, and a committee of that honorable body, on the subject of the letter explaining the views of the Delegates on those proceedings, and points out the necessary instructions on that important subject be forthwith as possible.*

*"The letter explains the views of the Delegates on those proceedings, and points out the necessary instructions on that important subject be forthwith as possible.*

*"Gentlemen—The evidences of titles to land deposited in the Land Office in Philadelphia, and the care of any person, and the necessity of bringing and committing to the keeping of a suitable officer within the State, from which a suitable officer interested will be able to obtain land. I have induced me to mention this subject, and to the same may be taken and provided for by the Council as soon as possible.*

*"NI*

*"Dover, 14 June, 1783."*

On motion, by order,

The supplementary bill to the act for the better Government, was read the second time, and thereupon being taken into consideration, the

er the said bill shall be rejected or not?" and it was  
the affirmative.

upon the yeas and nays were required by Mr. William  
they are as follows, viz :

*the affirmative*—Mr. Read, Mr. Bassett, Mr. Grantham.

*the negative*—Mr. William Polk.

ayton, a member of the House of Assembly, was admit-  
delivered to the Chair the following verbal message from  
se of Assembly to the Council, viz :

*men :*

House of Assembly having considered the amendments  
by your honorable body to the bill entitled " An act to  
the Congress of the United States with the power to levy  
upon all goods, wares, and merchandise imported into  
ate from beyond the seas, for a limited time, and for es-  
ing a fund for the payment of interest arising on the pub-  
t," and apprehending that this business would be accel-  
by a communication of opinion thereon, propose that a  
ttee of conference be appointed for this purpose, and  
re have, on the part of this House, appointed the follow-  
nferees : Mr. Peery, Mr. Clayton, and Mr. Barratt, who  
et at one o'clock this afternoon, if your honorable House  
herein."

council acceded to the above mentioned proposition, and  
ointed, on their part, Mr. Read, Mr. Bassett, and Mr.  
n, to join with the Committee of the House of Assembly  
usiness above mentioned, proposing the hour of 4 o'clock  
hour of meeting.

ed, That Mr. Grantham return the same to the House of  
y, with the concurrence and appointment of the Council

rantham reported the delivery of the same according to

ean, a member of the House of Assembly, was admitted  
vered to the Chair Capt. James Moore's accounts and

vouchers for superintending the recruiting together with the report of the committee assembly thereon.

Adjourned to Monday next.

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## MONDAY

The Council met. Present the same members and also Mr. Joshua Polk.

Mr. Molleston, a member of the House admitted and delivered to the Chair a bill ascertaining the daily allowance to members of the General Assembly, &c.

Adjourned till to-morrow.

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## TUESDAY

The Council met. Present the same members.

Mr. Waples, a member of the House of Representatives, presented and delivered to the Chair a bill entitled "An act to provide for the payment of the sum of twenty-two thousand five hundred pounds for the year 1783."

*Ordered,* That the Speaker sign a joint order with the Treasurer for the sum of £12,000, payable to the Treasurer of the House of Representatives, or the Superintendent of Finance, in satisfaction of the requisitions of Congress of the 30th of October, 1781; which was accordingly done.

On motion, by order,

The bill for repealing an act ascertaining the daily allowance to members of the General Assembly, was read.

tion, by order,

ll for raising twenty-two thousand five hundred pounds  
ervice of the year 1783, was read the first time.

tion,

ed, That the President's Message of the 14th instant,  
etter addressed to the President from the Delegates of  
in Congress, and the inclosed report of a committee  
ess on the act of the Legislature of Virginia of the 2d  
y, 1781, respecting the cession of that State to the  
ates of all the lands northwest of the River Ohio,  
(accompanied the same message) be referred to a com-  
report thereon.

embers chosen, are Mr. Read, Mr. Bassett, and Mr.  
Polk.

tion, by order,

l for repealing an act ascertaining the daily allowance to  
of the General Assembly, was read the second time,  
ry amendments thereto were proposed, agreed to, and  
o be transcribed.

tion, by order,

olution of the House of Assembly for the payment  
legates from this State to the Congress of the United  
hich was delivered to the Council at their last sitting,  
read the first time.

cial order, the same was read the second time, and  
nendments were proposed, agreed to, and ordered to be  
d.

d, That Mr. Grantham return to the House of Assembly  
or repealing an act ascertaining the daily allowance to  
of the General Assembly, with a paper of amendments  
by the Council thereto; and also the resolution for the  
of the Delegates from this State to Congress, with a  
amendments proposed thereto by the Council, for their  
tion and concurrence; and that he also return to that  
e supplementary bill to the act for the further security  
overnment, with the rejection of the Council thereto.

ned till to-morrow.

## WEDNESDAY

The Council met. Present the same members.

Mr. Grantham now reported the delivery of the bill submitted to him, according to the order of the Council.

On motion, by order,

Capt. Moore's general account, and the report of the committee of the House of Assembly thereon, with amendments were proposed and agreed to.

Mr. Molleston, a member of Assembly, was called to the Chair a supplementary bill to the depreciation of the pay accounts of divers departments of the army, &c.

The same member also delivered a bill for the regulation of suits, &c.

On motion, by order,

The supplementary bill to the act for the regulation of the pay accounts of divers persons in the army, &c., was read the first time.

On motion, by order,

The bill for preventing vexatious suits, was read the first time.

Mr. Clayton, a member of Assembly, was called to the Chair the bill for auditing and settling the accounts of this State, and for the more speedy and efficient management of the same, together with the several papers and documents proposed thereto by both Houses at their last meeting, and additional amendments proposed by the House at the present meeting, to the said bill.

Mr. Duff, a member of Assembly, was called to the Chair a message from the President of the Council.

ame member also delivered to the Chair a resolution of  
se of Assembly for erecting a tombstone over the grave  
el Haslet.

ame member also delivered a resolution of the House of  
y respecting an adjournment.

ed, That Mr. Baning return to the House of Assembly  
ore's general account, with a paper of amendments pro-  
ereto by the Council, and the report of the committee of  
se of Assembly thereon.

aning reported the delivery according to order.

urned to to-morrow.

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THURSDAY, June 19th, 1783.

ouncil met. Present the same members as on yesterday.

otion, by order,

ill for raising £22,500, was read the second time.

layton, a member of the House of Assembly, was ad-  
nd delivered Capt. James Moore's general account, with  
ndments proposed thereto by the Council agreed to by  
se of Assembly.

Council, taking up the accounts of Capt. James Moore  
ng the recruiting service on the report of the committee  
they were referred, do concur with the House of As-  
n the allowance of the same as they stand stated in the  
account thereof; and it is thereupon

ed, That Capt. Moore deliver the particular vouchers,  
ng the charges stated in his general account aforesaid, to  
k of the House of Assembly, in order to support a charge  
the United States.

ed also, That Capt. James Moore transfer, by way of

assignment, for the use of the State, to Major evidences and securities for £139 : 5 : 3, so as outstanding and owing to the Delaware Polk and John Clowes, Esquires, Charles Donnaven, exclusive of the sum of £50 : the foot of the general account, now exhibited to the General Assembly; which said sum of William Peery is hereby directed to receive to the State Treasurer.

And it is further

*Ordered*, That Captain Moore be served with orders.

*Ordered*, That Mr. William Polk return to the Assembly the accounts and vouchers of Captain Moore, and deliver to that House the resolutions of the Assembly on the same, for their consideration and concurrence.

Mr. Polk reported the delivery thereof according to order.

Mr. Charles Polk, a member of the House of Assembly, admitted and returned to the Chair the resolutions of the House respecting Capt. Moore's accounts, with the report of the House of Assembly thereto.

The committee to whom were referred the resolutions of the 14th instant, accompanied with a letter from the House of this State in Congress, on the subject of the same, laid their report on the table.

On motion, by order, the said report was read.

By special order, the same was read and the House agreed to.

*Ordered*, That Mr. Baning deliver the report of the Committee to the Assembly, for their consideration and concurrence.

Mr. Baning reported the delivery according to order.

On motion, by order,

The supplementary bill to the act for ascertainment of the pay accounts of divers persons in the service of the army, &c., was read the second time.



ments were proposed, agreed to, and ordered to be trans-

red, That Mr. Joshua Polk return the said bill, with the amendments proposed thereto by the Council, to the House of Assembly, for their consideration and concurrence.

Polk reported the delivery according to order.

Mr. Peery, a member of the House of Assembly, was admitted to the Chair the resolutions of the General Assembly passed at their last sitting, directing a report of the state of accounts between this State and the United States, with a resolution of the House of Assembly for the payment of seventy pounds to Wm. Peery, Esq., for public services performed.

Adjourned till to-morrow at 7 o'clock.

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FRIDAY, June 20, 1783.

Council met. Present the same members as on yesterday.

The Council now took into consideration the additional amendments proposed by the House of Assembly to the bill for auditing and settling the accounts of this State, and agreed thereto, and proposed further additional amendments to the said bill, by inserting in the 4th page of the House of Assembly's transcribed bill, after the line but one and next before the words [any law, usage or custom to the contrary notwithstanding], the following words: "than for any overplus of the specific sum directed to be paid by the annual tax acts occasioned by an excess of rate laid on the property for any deficiencies and the charge of collection".

red, That Mr. Read return to the House of Assembly the said bill, with the additional amendments proposed by that House, agreed to by the Council, and a further additional amendment proposed by the Council to the said bill.

Read reported the delivery thereof, according to order, to the House of Assembly.

The bill for raising £22,500 for the ser was read the third time, by paragraphs, and question, "Whether the power of col in one person in each county, he to be acc tor's office by rendering his accounts the before the 20th day of January and 10th d finally accounting there on the said 10th d the meantime to the State Treasurer, on th ber and March next, the several proportio in each county, thereby changing the me the collectors of hundreds and their accoun County Treasurer, and by him to the S Council determined in favor of the question

Whereupon Mr. William Polk required the above question. They are as follows:

*For the question*—Messrs. Read, Bassett  
ing.

*Against it*—Mr. William Polk, and Mr.

Then the Council proceeded in the further consideration of the said bill, and divers other amendments were proposed, and ordered to be sent to the House of Assembly for consideration and concurrence, together with the report of the Committee on Bassett; who reported the delivery according to the order of the Council.

Mr. James, a member of the House of Representatives, was admitted and delivered to the Chair by the Committee of the House of Assembly upon the petition of Moore and Doctor Tilton, and the petition of a former lieutenant in the Delaware Regiment, and a resolution of the House of Assembly for Ginnethan Harney.

Mr. Ridgely, a member of the House, submitted and delivered to the Chair the bill for the service of the year 1783, with the paper proposed thereto by the Council, disagreed to by the Assembly except as to their first part of the 4th

Mr. Davis, a member of the House of A.

vered to the Chair the bill for auditing and arranging  
 nts of this State, &c., and the further additional amend-  
 posed thereto by the Council acceded to by the House  
 bly, together with a further amendment proposed by the  
 f Assembly to the same bill; which, by order, was read,  
 ed and agreed to. Upon the question being put, it was  
 ed in Council unanimously that the blank in the bill for  
 and arranging the accounts of this State and for the  
 ectual settlement of the same, be filled up with the name  
 ar McComb, Esquire.

ed, That the said bill, as amended and agreed to, be en-

Charles Polk, a member of the House of Assembly, was  
 and returned the report of the committee of Council to  
 as referred the President's Message of the 14th June,  
 accompanied with a letter from the Delegates of this State  
 subject of the back lands, with an amendment proposed  
 by the House of Assembly.

Colleston, a member of Assembly, was admitted and de-  
 n account of James Booth, Esquire, for public services  
 gainst the Delaware State, amounting to £74 : 12 : 10,  
 with a resolution of the House of Assembly for the pay-  
 £24 : 12 : 10, the balance of the above account, to the  
 es Booth.

ame member also delivered to the Chair the account of  
 ury, Esquire, late Assistant Commissary of Purchases,  
 ng to £1997 : 18 : 4, together with a resolution of the  
 f Assembly for the payment of £500 to Isaac Carty, Esq.

otion, by order,

bill for preventing vexatious suits, &c., was read the  
 ime.

urned till to-morrow.

SATURDAY

The Council met. Present the same members.

The bill for auditing and arranging the accounts, being engrossed, was read, compared and passed by the Speaker.

The Council now took into consideration amendments as were proposed by them and disagreed with the House of Assembly to the bill for raising £22,500 for the present year, and receded from all so disagreed to. The proposed enacting clause in the 6th amendment was adhered to, and proposed a paper of further amendments to the same bill, which were agreed to, and ordered to be sent to the House of Assembly, accompanied by the following message, drawn up at the table, read:

*Gentlemen:*

We return your second Tax Bill for the present year. The first paper of amendments, the most material of which we have disagreed to, and you will then discover, that we have receded from all those amendments so disagreed to. The proposed enacting clause in the sixth amendment was adhered to, and considered as necessary to be adopted upon the bill. The Auditor's Bill, which has received the sanction of the honorable House. We send you also a second paper of amendments framed on the same principles, to provide for the provision of the two bills aforesaid as they stand, counting by the respective County Treasurers.

Gentlemen—Be assured, that we have with great deliberation considered the amendments relative to the mode of collection and the amount of tax, granted by this bill for the year, not forgetting our sentiments expressed in our message to the House of Assembly on the fourth of February last, with respect to which we have remained in a painful silence. The framing of this second bill, without answering the reasons assigned for the amendments to substantial principles, and the mode of conducting business of legislation to which we have what the Council conceive to be parliamentary

practice in this State. The Council consider the delay of the honorable House, in taking up this subject of the annual session so late in the session, as an apology to the public and ourselves, for assenting to the continuance of a plan of collecting the State-tax as heretofore used, apparently inadequate and unproductive. As the Council must either recede from their proposed and unanswered amendments, or lose the supplies for the year, they have considered the first as the lesser inconvenience, because temporary, and may be provided against in the future.

Members of the House of Assembly—We cannot here omit notice of a further striking fact in support of our proposed plan in the plan of collection and account of the State-tax which has been afforded since our former message on this subject, the total silence of the several persons to whom the resolutions of the General Assembly, passed the thirty-first January, were addressed and delivered, respecting the collection and account of the State-tax of the year 1781, particularly the Treasurers, who were to be the first and principal actors in these resolutions, two of whom are members of your honorable House.

Resolved, That Mr. Bassett return to the House of Assembly with the paper of further amendments proposed by the Council, and the foregoing message; and that he deliver the Auditor's bill, engrossed and signed by the Council, with the original bill, for comparison, and in order to be read by the Speaker of the House of Assembly.

Mr. Bassett reported the delivery thereof according to order.

The Council took into consideration the amendment proposed by the House of Assembly to the instructions proposed by the Delegates from this State to the Congress of the United States, and agreed to the said proposed amendment, and the same, as was agreed to by both Houses, are as follows:

RESOLUTIONS FROM THE GENERAL ASSEMBLY OF DELAWARE TO THE DELEGATES OF THE SAID STATE TO THE CONGRESS OF THE UNITED STATES OF AMERICA.

Resolved:

That from the eleventh instant to the President of this State, be delivered the report of a committee of Congress on the

act of the Legislature of *Virginia* of the 1781, respecting the cession offered by the States, of all the lands northwest of the before us, and after full consideration and the premises, we are decidedly of opinion justly entitled to a right, in common with of the Union, to all that extensive tract of the westward of the frontiers of the United States of which was not vested in, or granted at the commencement of the present war; or which hereafter be, gained from the King of Great Britain, by the blood and treasure of all, and to be a common estate, to be granted out on the United States.

We are the more strongly impressed with this because well assured, that every idea held forth on paper or otherwise, at the commencement of the war, diametrically opposite to the acceptance by the States of the cession now proposed.

Why is this partial cession proposed, and why is it fettered?

The States are, or are not, entitled to the lands in dispute. If entitled, then the cession now proposed is, must and will be hereafter a dereliction of their right to the residue.

We apprehend the considering of these questions, the disputable right of the United States in common with the States to be granted out on terms beneficial to the Union, consistent with justice and so indispensably connected with the peace and welfare of the Union, that we feel alarmed at such a seeming disinclination, which appears in our sister State, in giving up her demands from her.

We judge this business to be of the first importance, interesting to us and our posterity; and for this reason we conceive no time should be lost in bringing it forward, and we expect and desire, that you will possess the confidence of this State, in common with the other States, to the westward of the frontiers of the United States, and be pressed.

that if any particular doubts or difficulties present themselves to your minds on the above question, supposing the ground should be changed, or on any other question of great agitation, or likely to be soon controverted in Congress, communicate them fully to the President of this State, who may be enabled to judge of the expediency of convening the Legislature and taking their sense thereon for your further

motion, by order,

Resolution for erecting a tombstone over the grave of Col. *was read the first time.*

Special order, the same was read the second time, concurred in as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“WEDNESDAY, A. M., June 18, 1783.

The House having taken into consideration that part of the message from his Excellency, the President, of the thirteenth day, recommending that something monumental be erected in place of interment of the body of Colonel John Haslet, who nobly fell in the defence of the freedom of America,

*Resolved*, That the Delegates from this State to Congress be empowered to cause a tombstone to be erected over the grave of the deceased, at the expense of this State, with such inscription thereon as they shall think proper, expressive of the high regard this State entertains for the memory of that worthy and patriot; and that the President be empowered to give his order on the State Treasurer for any sum not exceeding twenty pounds to defray the expense thereof.

“JAS. BOOTH, *Cl'k of Assembly.*

at for concurrence.”

motion, by order,

Resolution of the House of Assembly founded on the report of the Committee of Accounts on the accounts of Peter *was read and concurred in.*

motion, by order,

106

The resolution of the House of Assembly £75 to Wm. Peery, Esq., was read and concurred in.

On motion, by order,

The resolution for the payment of £24 to Esquire, was read and concurred in.

On motion, by order,

The resolution for issuing a certificate was read and concurred in.

*Ordered*, That Mr. W. Polk return to the several foregoing resolutions, concurred in by the Council, together with the several accounts and resolutions are respectively founded; and that the House the instructions of the Council to Congress, with the amendment proposed by the Assembly agreed to by the Council.

Mr. Polk reported the delivery according to order.

Mr. James, a member of the House of Assembly, delivered to the Chair a resolution appointing a committee to adjust the Loan Office accounts of Kent and Vining's estate.

The same member also delivered a resolution of £200 to James Adams, printer, accompanied by a bill.

The same member also delivered a resolution for the allowance to the Delegates to Congress for the last sitting, as amended by the House of Assembly.

The same member also delivered to the Chair a resolution appointing commissioners for establishing a new town, &c.

Mr. Clayton, a member of Assembly, delivered to the Chair a resolution directing the discharge the balance due on Robert Morris's account.

On motion, by order,

The resolution appointing a committee



accounts of Kent County so far as respects Mr. Vining's &c., was read and concurred in.

whereupon the Council have appointed, on their part, John Esq., to join with the committee of the House of Assembly on the business above mentioned.

motion, by order,

petition of James Adams, printer, and the resolution of the House of Assembly for the payment of £200 to the said Jas. were read and concurred in.

motion, by order,

resolution for ascertaining the allowance to the Delegates was read, concurred in, and is as follows, viz:

“IN THE HOUSE OF ASSEMBLY,

“SATURDAY, June 21, 1783.

WHEREAS it is necessary that the allowance to the Delegates from this State to the Congress of the United States of America, be fixed and ascertained, and that a regular representation of this State in Congress be kept up in future; therefore

Resolved, That each of the Delegates from this State to Congress for the present year, be allowed the sum of *four dollars* per day, for every day they attend in Congress; provided that attendance be regular, so that a representation be kept up in Congress.

Resolved also, That the President or Commander-in-Chief of this State, upon each Delegate's producing an account of his daily attendance as aforesaid, be and he hereby is authorized to draw an order on the State Treasurer, indorsed on such account, for the payment of the same, which account, order and receipt, shall be a sufficient voucher for the Treasurer in payment of his account.

“JAS. BOOTH, *Cl'k of Assembly.*

at for concurrence.”

motion, by order,

resolution appointing commissioners for establishing the jurisdiction, &c., was read, concurred in, and is as follows:

" IN THE HOUSE OF

" THURSDAY, F

" On motion,

" *Resolved*, That the Delegates from this  
 " of the United States, for the time being  
 " be and are hereby appointed Commissioners  
 " State, to join with such Commissioners  
 " pointed by the States of Pennsylvania and  
 " purpose of settling and establishing the  
 " tween Delaware, Pennsylvania and New  
 " taining and establishing the right of this  
 " the Bay and River of Delaware.

" JAS. BOOTH

" Sent for concurrence."

On motion, by order,

The resolution directing the State Treasurer to pay the balance due on Robert Morris', Esq., bonds, was concurred in.

On motion, by order,

The resolution of the House of Assembly, directing £500 to Isaac Carty, Esq., was read and concurred in.

*Ordered*, That Mr. Joshua Polk return the resolutions (except the last mentioned, which were concurred in) with the concurrence of the Council respectively.

Mr. Polk reported the delivery according to order.

Mr. Charles Polk, a member of the House, was admitted and delivered to the Chair the accounts of this State, with the original.

The same member also delivered the bill for the service of the year 1783; the supplementary act for ascertaining the pay accounts of the several departments of the army, &c.; the bill directing the Delegates of the Delaware State to ratify the Article of the Confederation, &c.; the bill

for ascertaining the allowance to the members of the General Assembly, &c.; the bill to invest Congress with the power of levying duties upon all goods, &c.; and also the bill for repealing an act entitled "An act to prevent the sales of lands, &c., by virtue of executions," respectively engrossed and passed by the Speaker of the House of Assembly, together with a resolution for affixing the Great Seal to the said bills, and a resolution from the House of Assembly to the Council.

motion, by order,

The foregoing bills were read, compared, and ordered to be respectively signed by the Speaker of the Council; which was accordingly done.

motion, by order,

A resolution for affixing the Great Seal to seven laws passed on June, 1783, was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"SATURDAY, June 21, 1783.

motion,

*Resolved*, That the President and Commander-in-Chief affix the Great Seal of the State to the following laws, to wit:

'An act to invest the Congress of the United States with power to levy duties upon all goods, wares, and merchandise imported into this State from beyond the seas, for a limited time, and to establish a fund for the payment of the interest on the public debt;'

'An act for repealing part of an act entitled 'An act for ascertaining the allowance to members of the General Assembly and for other purposes,' passed at New Castle, the twelfth day of February, one thousand seven hundred and eighty-one;'

'An act to authorize the Delegates of the Delaware State to describe and ratify the alteration of part of the Eighth Article of the Confederation and perpetual Union between the United States of America, as agreed to in Congress on the twentieth day of April last;'

'An act for the repeal of part of an act entitled 'An act

“to prevent the sales of lands, goods, and  
 “execution, in certain cases, for a limited  
 “purposes;”

“5. ‘An act for the auditing and arranging  
 “this State, and for the more effectual settling

“6. ‘A supplement to an act entitled ‘An act  
 “the depreciation of the pay accounts of  
 “several departments of the army who are  
 “as part of the quota of the land forces  
 “purposes;”

“7. ‘An act for raising twenty-two thousand  
 “pounds for the service of the year one thousand  
 “and eighty-three.’

“JAMES BOOTH

“Sent for concurrence.”

Mr. Duff, a member of the House of Assembly,  
 and delivered to the Chair a resolution of the  
 Assembly for the payment of £29 to the President,  
 signed by the Speaker of the House of Assembly,  
 pose, and also an order in favor of James Duff,  
 £200, signed as above.

On motion, by order,

The resolution for the payment of £29 to the President,  
 read, concurred in, and is in these words,

“IN THE HOUSE OF ASSEMBLY

“SATURDAY

“On motion,

“*Resolved*, That his Excellency, the President,  
 “sum of twenty-nine pounds for the purchase of  
 “expenses during his attendance on the Council during  
 “the present sessions.

“JAS. BOOTH

“Sent for concurrence.”

upon the order above mentioned, in favor of the President that in favor of James Adams, were respectively signed by the Speaker.

Resolved, That Mr. Polk return to the House of Assembly the bills, respectively signed by the Speaker of the Council with the resolution for affixing the Great Seal to the and the resolution for the payment of £29 : 0 : 0 to the , with the concurrence of the Council severally thereto.

Polk reported the delivery according to order.

The Council took into consideration the per diem wages of their Members and Clerk, incurred at their printing, and the following accounts were allowed, viz :

Con. John Cook, Esq., Speaker, No. 1, . . .	£ 27 11 0
George Read, Esq., No. 2, . . . . .	18 13 6
Grantham, Esq., No. 3, . . . . .	20 9 6
Baning, Esq., No. 4, . . . . .	17 10 0
Card Bassett, Esq., No. 5, . . . . .	21 17 6
Polk, Esq., No. 6, . . . . .	19 2 0
Sam Polk, Esq., No. 7, . . . . .	12 10 6
Sam Vining, as Clerk of the Council, No. 8, . . . . .	25 2 6
Eliza Battell, for the hire of her room, No. . . . .	5 0 0
	<hr/>
	£ 167 16 6

upon

Resolved, That the Speaker draw orders on the State Treasurer of the respective persons above mentioned for the payment of the sums annexed to their names respectively.

was accordingly done.

The Council adjourned to the 30th day of September



# MINUTES OF COUNCIL.

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OCTOBER, 1783.

## MEMBERS' NAMES

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### NEW CASTLE COUNTY

ISAAC GRANTHAM, GEORGE READ, THOMAS

### KENT COUNTY:

RICHARD BASSETT, JOHN BANING, CÆSAR

### SUSSEX COUNTY

WILLIAM POLK, JOHN COLLINS,



# RESOLUTIONS AND PROCEEDINGS

OF THE

## COUNCIL OF THE DELAWARE STATE.

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Meeting of the Legislative Council for the Delaware State,  
Dover, for the said State, on Monday, the 20th day of  
Anno Domini, 1783,

A sufficient number of the members not having met to form  
a quorum on that day, they adjourned from day to day until  
the 25th of the same month, when these appeared, as

*New Castle County* — Isaac Grantham, George Read,  
Thomas McDonough.

*Kent County* — Richard Bassett, John Banning, Cæsar Rodney.

After the said members being so met in Council, certain indentifying the election of Thomas McDonough, a member of the Council for the County of New Castle, and Cæsar Rodney, a member of the Council for the County of Kent, were respectively produced and read, whereby it appeared to the Council that they were severally duly elected to represent the said Counties as members of the Legislative Council of the Delaware State, at the annual election held in the Counties of New Castle and Kent, on the first day of this instant, October, for three years, and the said Council proceeded to the choice of a Speaker, and the said Cæsar Rodney, Esquire, was unanimously chosen.

The Council then proceeded to the choice of a Clerk, and a Benjamin Vining, Esq., the late Clerk, being read,

mentioning his desire to decline that service was unanimously chosen Clerk of this House.

On motion, the Council adjourned to to-morrow at 10 o'clock.

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MONDAY,

Council met. Present all the members of the Council on Thursday last.

The Speaker, in the Chair, took the oath of office, and subscribed the declaration required, and Thomas McDonough, Esquire, also took the oath and subscribed the declaration.\*

James Sykes, Clerk of the Council, took the oath and subscribed the declaration, and also took the oath of office.

William Polk, Esq., a member of Council, appeared in the House and took his seat.

Joshua Polk, Esquire, also appeared in the House at the same time was delivered to the Chair and took the oath that the said Joshua Polk, in the said indictment, Sheriff, Inspectors and Freeholders of Sussex County, elected in the present year for said county by the people, as the Inspectors of the several hundred freeholders of Sussex, or a majority of them, adjudged and determined.

On motion, ordered to be left under consideration to-morrow.

Mr. Bassett prays leave of absence, from the Court of Sussex County, for a few days, to attend to his private affairs.

Adjourned to 10 o'clock to-morrow morning.

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\* See notes on pages 10 and 11.

TUESDAY, 28th, A. M.

cil met. All the members present who attended yesterday except Mr. Bassett.

Speaker laid on the table sundry petitions and remonstrances, signed by a number of the inhabitants of Sussex, and one petition, signed by a number of the inhabitants of Kent County, delivered him by a member of the House of Representatives, complaining of irregularity in conducting the last elections in those counties.

motion, ordered that the same be read; which was done accordingly.

motion, by special order, the petition from Kent County be read a second time. The whole referred to further consideration.

turned to three o'clock this afternoon.

---

EODEM DIE, P. M.

cil met and resumed the consideration of the petitions last considered, and after some time spent thereon, ordered that a subpoena shall issue for James Raymond, Esq., Col. Charles Pope, John Vandyke, Joseph Meredith, William Pope, Benj. Stout, John Jordon, Thomas Collins, Esquire, John Clayton, Esq., John Newnam, Joseph Harper, Thomas Skillington, Samuel H. H. H., Geo. McCall, Joseph Taylor, Henry Gilder and Curtis H. H. H., commanding their appearance before this House on Monday, the fourth day of November next, to be examined concerning the complaint exhibited in the said petition from Kent County, and that a copy of the said petition be made out by the clerk and delivered to John Clayton, Esquire, High Sheriff.

*Resolved also,* That subpoenas shall issue for such persons whose

*Ordered*, That Mr. Speaker sign the  
tioned.

*Ordered also,* That Mr. Speaker issue subpoenas as may be wanted to attend and investigation of the subject matter of the petition concerning the elections of those counties, and to him by any person or persons concerned, returnable, those for Kent on Tuesday, the next, or the day following; those for Sussex on the sixth of the same month, or any day following.

Then the Council appointed James Newn and ordered that Mr. Speaker shall appoint his stead, in case of necessary absence.

Adjourned to Tuesday, 4th November morning.

TUESDAY, November 4th, A. M.

met according to adjournment. All the members  
except Messrs. Bassett, Wm. Polk, and Collins.

tion, ordered

the doors of this House shall be set open during the  
to the validity of the elections of Kent and Sussex.

tion, ordered

several depositions and examination of witnesses that  
ear before this House concerning the said elections shall  
in writing by the Clerk.

Newnam appointed Doorkeeper during the present

several subpoenas issued for sundry persons in the County  
therein mentioned, were now returned by Stephen  
Deputy Sergeant-at-Arms, and by him duly certified  
and served them upon each person respectively.

ned till three o'clock, P. M.

---

EODEM DIE, P. M.

met and proceeded to the examination of such wit-  
appeared who were signers of the petition concerning  
on of Kent County, and took the same in writing,  
to the above order.

tion, adjourned till to-morrow morning, 10 o'clock.

**WEDNESDAY, N**

Council met. Present all the members of the Council, and resumed the examination of witnesses, and progress therein, and adjourned till 3 o'clock.

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The Council met.

Mr. William Polk, a member of Council, appeared before the House, and made an apology for his non-attendance at the meeting of this House, which was accepted.

The House continued the examination of witnesses from Kent County.

Mr. Collins, a member of Council, appeared before the House, and took his seat.

Adjourned to ten o'clock to-morrow morning.

---

**THURSDAY, 6**

Council met. Present all the members of the Council.

Mr. Bassett, who had been absent during the absence of the House at Sussex Supreme Court, now appeared, and his not sooner attending, which were accepted.

The several subpoenas issued for sundry witnesses of Sussex, therein mentioned, were returned.

ewnam, Sergeant-at-Arms, and by him duly certified  
ad served them upon each person respectively.

ned to three o'clock, P. M.

---

EODEM DIE, P. M.

l met.

petitions, signed by a great number of the inhabitants  
County, complaining of the violent proceedings of some  
at the last general election in carrying off the box con-  
ne votes then remaining to be read at one of the polls,  
l.

ad to lie on the table.

l then proceeded to examine witnesses from Sussex  
on the subject matter of the general election of that  
and made some progress therein.

ned to ten o'clock to-morrow morning.

---

FRIDAY, 7th November, A. M.

l met. Present all the members.

ued the examination of witnesses from Sussex County  
itions presented to Council from that county, and made  
gress therein.

ned till three o'clock this afternoon.

Council met and went into the same inquiry.  
Adjourned till nine o'clock to-morrow morning.

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SATURDAY, 8<sup>th</sup>

Council met. Present all the members.

Continued the examination of witnesses.

The question was put, after the subject Isaac Conway, a person who had been in the County of Sussex, and afterwards present in the Assembly for the relief of divers persons in insurrection in said county, passed November 18<sup>th</sup> 1794, be admitted to give evidence to Council upon the election of that county, the said person was admitted with the terms of said act, and it passed in the affirmative.

On motion, that the yeas and nays should be taken on the question, it was ordered accordingly, and the question was carried in the affirmative.

*For the affirmative* — George Read, John Banning, Thomas McDonough, Isaac Grant, and others.

*For the negative* — William Polk, John C. Smith, and others.

Council adjourned to 10 o'clock Monday morning.

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MONDAY, 10<sup>th</sup>

Council met. Present all the members. Mr. Collins, and continued the examination of witnesses in the case of the County of Sussex County.

Adjourned to three o'clock this afternoon.



## EODEM DIE, P. M.

met. Same members appeared as in the morning.  
Continued the examination of witnesses from Sussex County.  
William Polk appeared, represented to the House that  
his children was very ill, which had occasioned his delay,  
and the excuse of the House for that reason. He is there-  
fore excused.  
Adjourned to 10 o'clock to-morrow morning.

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## TUESDAY, 11th Nov., A. M.

met. Continued the examination of witnesses from  
Sussex County.  
Adjourned to three o'clock this afternoon.

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## EODEM DIE, P. M.

met. Continued the examination of witnesses from  
Sussex County.  
Joshua Polk was now admitted to take and subscribe the  
Oath prescribed by the Constitution, and to take his seat in  
the House as a sitting member until Council shall decide upon the  
result of the election for the County of Sussex.  
Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, 12

Council met. Present all the members

Continued the examination of witnesses

Adjourned to three o'clock this afternoon

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Council met. Present the same members

Proceeded to examine witnesses from S

Council adjourned to 9 o'clock to-morrow

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THURSDAY, 13

Council met. Present same members as

On motion, that Council go into the committee  
petition at 4 o'clock this afternoon, it was

Adjourned until 4 o'clock, P. M.

---

Council met. Present all the members

The petition from Kent County respecting  
of that county, and the testimony respecting

consideration, and the debate upon the same was further  
ed until to-morrow.

il adjourned to 9 o'clock to-morrow.

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FRIDAY, November 14, A. M.

Council met according to adjournment, and adjourned to  
x, P. M.

---

EODEM DIE, P. M.

il met. Present all the members.

ow the Council resumed the consideration of the petition  
nt County, praying that the election had on the first day  
er last should be set aside, together with the testimony  
d and heard by the Council to the same election.

hereupon the Council resolved unanimously as follows,

at no evidence whatsoever hath been given to support  
ge that one of the Inspectors changed a vote delivered to  
an elector.

at no evidence hath been given that any Inspector did  
at such particular men should be carried, but one in-  
to wit: Samuel Wilson, of Duck Creek Hundred, did  
ntly say that a parcel of tickets which he held in his hand  
r would go, declaring they were good whig votes. That  
son was in liquor at time.

at as to the charge that a number of non-jurors and per-  
erwise disqualified to vote were admitted to vote, it ap-

pears, by the testimony of Joseph Meredith, that a James Maxwell should have told him that he had voted though he had not taken the oath of fidelity; and that it further appears as well by the said inspector Wilson's testimony as also by his list of voters at the said election that he (Wilson) received Maxwell's vote as a good vote, that Maxwell, although summoned to attend the Council, hath neglected so to do for the ascertainment of the fact of his being a non-juror, but that no other testimony was given of admitting other non-jurors or other disqualified persons to vote.

4. That no evidence whatsoever hath been given of administering the oath of fidelity to the State to any disaffected persons on the morning of the election.

5. That it appears by the evidence that about one or two o'clock in the morning of the 2d of October last, while the judges of the election were employed in reading off the received votes out of the box into which all the votes had been put and mixed, a person by the name of Conner did forcibly take and carry off the said box containing in it the remaining uncounted votes or tickets.

6. That it appears by the evidence that one of the polls or tallies, kept by John Pearce (one of the appointed clerks) containing the number of votes for Counsellor and Assemblymen was taken up by Judge Collins and saved from an attempt made by a James Frazer to seize it. That the same was in Judge Collins' sole possession for about ten minutes, after which he delivered it to the Sheriff and inspectors. That the other poll for Counsellor and Assemblymen was in the sole possession of the Sheriff, he taking up from Mr. Stout, the other clerk, upon the seizing and carrying off the box. That at the same time one of the polls or tallies kept of the votes for the candidates for Sheriff and Coroner's office was taken up and secured by George Cummins, the under-Sheriff, and by him immediately delivered to the Sheriff. That the other poll or tally for Sheriff and Coroner was seized and carried off by a certain Isaac Griffin, of Duck Creek Hundred. That upon the examination and comparison immediately made after the return of Judge Collins of the two polls or tallies for Counsellor and Assemblymen the number tallied off in each of these two polls corresponded.

7. That it appears, as well by verbal testimony as by the lists

es kept by the clerks appointed for that purpose, that the number of the votes or tickets received at the said put into the said general box, amounted to seven hundred and fifty, and the number of the said tickets read off from the box amounted to six hundred and sixty-seven.

that it appears by the testimony and lists last aforesaid, as the Sheriff's, inspectors' and freeholders' indenture, returned to this House, that Cæsar Rodney, Esquire, the candidate for the vacant seat, in the County of Kent, in this present year, returned member, had six hundred and sixty-five votes and number so read off.

that it appears by the evidence that the other two votes of persons ineligible, to wit: Thomas Collins, Esquire, Justice of the Common Pleas, and Richard Bassett, Esquire, already a member of this House.

that it appears by the evidence that several persons' names annexed to the said petition, particularly those of Samuel Enoch Jones and Alexander Worknot, were not subscribed themselves or by their order.

that it appears by the evidence that Isaac Griffin, whose name annexed to the said petition, conducted himself in a very irregular, disorderly manner during the time the said votes were being read off, in the presence of the judges of the election, and his conduct immediately on Conner's taking the box, caused the Council to believe he was privy to Conner's intention in doing it.

that it appears by the evidence that one other of the persons, Thomas Cummerford, had knowledge of such an irregularity being to be made, before it was carried into execution.

whereupon it was unanimously adjudged by the Council that Cæsar Rodney, Esquire, the returned member of this House for the County of Kent, this present year, was duly elected.

and the Council, ordered

that the consideration of the petition and remonstrance, complaining of irregularity in conducting the last general election of the County, be taken up at the meeting of Council to-morrow

and adjourned to 10 o'clock to-morrow morning.

SATURDAY, November 15th, A. M.

Council met. Present all the members.

Agreeable to the order of the day, Council went into the consideration of the petition and remonstrance concerning the irregularity of conducting the last general election of Sussex County, and praying that writs for holding a new election in that county may be directed, or such other measures for restoring the just rights and liberties of the people, preserving them forever inviolate, redressing their present and preventing future grievances, as may be most conducive and effectual to that important end, and after some time spent thereon, adjourned to three o'clock this afternoon.

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EODEM DIE, P. M.

Council met. Present all the members, except Mr. Joshua Polk.

And now the Council resumed the consideration of the petition and remonstrance from Sussex County, together with the testimony produced and heard by the Council relative to the last general election held for that county, and after some time spent therein,

On motion, the following questions were put, viz:

1. Whether the fact alleged in the petition from Sussex, complaining that the petitioners, who had lately taken the oath of fidelity to the State, producing a voucher to the Justice at the time, were refused to vote at the general election, for that the vouchers had not been sworn, appears to be proved to the satisfaction of this House?

Passed in the affirmative unanimously.

2. Whether the Inspectors refusing the said votes were warranted by law in so doing?

Passed in the negative.

tion, that the yeas and nays should be entered on this  
it was ordered accordingly, and they are as follows, viz:

*affirmative*—Mr. William Polk, Mr. Collins.

*negative*—Mr. Read, Mr. Baning, Mr. Bassett, Mr.  
ugh, Mr. Grantham.

whether the fact alleged in the said petition, that some of  
inspectors refused the votes of persons under age at the  
passing the law for the further security of the Govern-  
May, 1778, and who had taken the oath of fidelity to  
after three months from their coming of age, without  
g a voucher, appears to be proved?

in the affirmative unanimously.

whether such Inspectors were warranted by law in so

in the negative.

tion, yeas and nays on this question ordered:

*affirmative*—Mr. Collins.

*negative*—Mr. Read, Mr. Baning, Mr. Polk, Mr. Bas-  
McDonough, Mr Grantham.

*1st.* Respecting the remonstrance from Sussex County:  
the fact alleged in the remonstrance from Sussex Coun-  
taining that a number of officers and soldiers, lately in  
f the Continent, and also one of the Inspectors and his  
peared at the general election with swords, bayonets and  
d that said officers and soldiers uttered many menacing  
to terrify the electors, and actually committed a most  
and outrageous riot in beating and abusing several per-  
also in beating and abusing a Constable, in the exe-  
his office, who commanded the peace, and others, by  
thereof many electors rode out of town without voting,  
to be proved to the satisfaction of this House?

in the affirmative.

tion, ordered that the yeas and nays on this question be

*For the affirmative*—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

*For the negative*—Mr. William Polk, Mr. Collins.

2d. Whether the fact alleged in the said remonstrance that several boys and persons under age were permitted to vote at the said election, appears to be proved to the satisfaction of this House?

Passed in the affirmative.

On motion, the yeas and nays on this question ordered:

*For the affirmative*—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

*For the negative*—Mr. William Polk, Mr. Collins.

3d. Whether the fact alleged in the said remonstrance that some persons, who had taken the oath of fidelity lately, by producing a voucher to a Justice of the Peace without the voucher being first sworn, were permitted to vote at said election, and others, who had taken the said oath of fidelity in the same manner, were not permitted to vote, appears to be proved to the satisfaction of this House?

Passed in the affirmative.

On motion, the yeas and nays on this question ordered:

*For the affirmative*—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

*For the negative*—Mr. William Polk, Mr. Collins.

4th. Whether the fact alleged in the said remonstrance that some persons, who were under age at the time of making the law for the further security of the Government, and had taken the oath of fidelity after the expiration of three months from the time of their coming of age, were permitted to vote at the said election, and others, circumstanced in the same manner, were not permitted to vote, appears to be proved to the satisfaction of this House?

Passed in the affirmative unanimously.



AS it appears to this House, from the testimony delivered by the petition and remonstrance aforesaid, that some of the electors, who joined in certain rules for governing their election, to the receiving of votes, conducted that business in a manner different from those rules and different from the other electors; therefore

Resolved, That the said election, held on the first day of October, 1783, was not freely, legally, and indifferently made, and it is the opinion of the Council, that Joshua Polk, in the indenture returned by the Sheriff, Inspectors, and Freeholders of the said County, was not elected in the present year, for Sussex County, by a majority of such votes, as the Inspectors of the several Hundreds of the said County of Sussex, or a majority of them, advised to be legal votes, was not legally elected.

On motion, the yeas and nays on this resolution ordered:

*affirmative*—Mr. Read, Mr. Baning, Mr. Bassett, Mr. Grantham.

*negative*—Mr. William Polk.

Mr. Collins, not being decided on this question, did not vote.

On motion, the question was now put,

Resolved, That an order of the House should be now made for issuing writs for a new election in the County of Sussex for a member of the Legislative Council in the room of Joshua Polk, Esquire, whose election has been determined illegal?

On motion, the negative.

On motion, the yeas and nays on this question ordered:

*affirmative*—Mr. William Polk, Mr. Collins.

*negative*—Mr. Read, Mr. Baning, Mr. Bassett, Mr. Grantham.

The following accounts were allowed:

Honorable Cæsar Rodney, Esquire, Speaker,			
for his attendance, . . . . .	£	18	18 0
Mr. Read, Esquire, for ditto and mileage, . . . . .		17	12 6
Mr. Grantham, Esquire, for ditto, . . . . .		16	7 6

To Thomas McDonough, Esquire, for attendance and mileage, . . . . .	£	15	10
To Richard Bassett, Esquire, for ditto, . . . . .		9	7
To John Baning, Esquire, for ditto, . . . . .		9	12
To William Polk, Esquire, for ditto, . . . . .		10	1
To John Collins, Esquire, for ditto, . . . . .		8	13
To Joshua Polk, Esquire, for ditto, . . . . .		6	12
To James Sykes, Esq., Clerk of the Council, . . . .		24	0
To James Newnam, Sergeant-at-Arms, . . . . .		60	0
To Stephen Alston, Deputy Sergeant-at-Arms, . .		13	14
To Mrs. Elizabeth Battell, for the use of a room, fire- wood and candles, . . . . .		12	0

Then the Council adjourned to the 5th January next.

# MINUTES OF COUNCIL.

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JAN.—OCT., 1784.



# RESOLUTIONS AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

---

ADJOURNED SESSIONS, 1784.

---

JANUARY 5th, 1784.

Members of the Council for the County of Kent attended, but not being a sufficient number from the other Counties to form a quorum, no business could be proceeded on.

On the 13th January, the following notification was delivered by the Speaker of the House of Assembly to the Speaker of the Council to wit :

DELAWARE STATE,

IN THE HOUSE OF ASSEMBLY, January 13th, 1784.

Whereas from the particular situation of some of the absent Members of this House, it is impracticable to proceed at this time to the decision of the controverted elections for the Counties of Kent and Sussex; it is therefore

Resolved, That this House adjourn, and it is hereby adjourned until the 29th day of March next.

ROBERT BRYAN, *Speaker*.

HONORABLE CÆSAR RODNEY, Esq., *Speaker of Council*.

Upon the Council adjourned until Monday, March 29th,

THURSDAY, April 8th, 1784.

A sufficient number of the members not having met to form a quorum on the 29th of March (the day to which the Council stood adjourned), those in attendance adjourned from day to day until Thursday, the 8th of April, when there appeared as follows:

*For New Castle County*—Isaac Grantham, Thomas McDonough.

*For Kent County*—Richard Bassett, John Baning.

Who met at the house of the Honorable Cæsar Rodney, Esq., the Speaker, he being too much indisposed to attend at the usual place of meeting.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and delivered at the table a letter from the President of Congress, inclosing a resolution of that honorable body respecting the appointment of Delegates from this State to Congress; also a message and resolution of their House proposing that the General Assembly should meet forthwith, in the Council Chamber, to put in nomination persons to be balloted for to represent this State in Congress, which resolution follows in these words:\*

On motion, ordered,

That a message from the Council to the House of Assembly, on the foregoing resolution of their House, be drawn up at the table, which being done, Mr. Grantham is ordered to wait on the House of Assembly and deliver the same; which was done accordingly, and follows in these words:

A MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY.

*Gentlemen :*

The Council received your message of this forenoon, and beg leave to suggest to your honorable House, previous to their transacting any business, that they conceive, as one of the Coun-

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\* This paper does not appear on the record.

his State is unrepresented in Council, they therefore  
 and an impropriety in doing business until that represen-  
 had. However, as Council is disposed to do every thing  
 power that may be thought to tend to promote the weal  
 of their constituents, therefore, if your House  
 under present circumstances, that legislative business  
 unsacted with propriety, they will not retard the same,  
 meet your House forthwith, as is proposed.

th, 1784.

CÆSAR RODNEY, *Speaker*.

member of the House of Assembly, attending, was ad-  
 and informed the Council that the House of Assembly  
 going on the business proposed in their message, and  
 a meeting of both Houses for that purpose.

being agreed to by Council, both Houses met in the  
 Chamber, and the following gentlemen were put in  
 on for Delegates to Congress for this State: John Mc-  
 Esq., Thomas Rodney, Esq., Henry Latimer, Esq., John  
 Esq., James Tilton, Esq., William Killen, Esq., Gunning  
 Jun., Esq., John Thompson, Esq., Samuel Patterson,  
 Charles Ridgely, Esq.

d, That both Houses proceed to ballot immediately;  
 ing done, and the box containing the tickets examined  
 speakers of both Houses, and the votes taken down by  
 s, it appeared that the following gentlemen were chosen  
 ority of votes, viz: John Vining, John McKinly, Henry  
 and Thomas Rodney, Esquires, and they were declared  
 ed.

members of the House of Assembly having withdrawn  
 Council Chamber, on motion,

ed, That the Speaker shall issue his writ for holding an  
 in the County of Sussex for electing a member of Council  
 county in the room of Joshua Polk, whose election, on  
 day of October last, had been by Council declared void,  
 me as the Speaker shall think proper.

and adjourned to 10 o'clock to-morrow morning.

FRIDAY, April 9th, A. M.

Council met. All the members present who attended yesterday.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor of Accounts, representing that there was due to Thomas Montgomery the sum of £3 : 18, for getting certificates printed for the use of the Auditors for settling the depreciation of the pay of the Delaware Regiments; and that there was due to James Adams, for printing, contracted for by John James and Thomas Kean, Esqrs., for the use of the State, the sum of £68 : 7 : 6, with orders drawn in favor of those persons, and signed by the Speaker of Assembly, and sent to Council for concurrence; which, being read, was agreed to, and the orders signed by the Speaker of Council.

Mr. Grantham delivered at the Council table certain resolutions of the House of Assembly, respecting the commissionating the members appointed to represent this State in Congress, and ascertaining their allowance, and certain resolutions of the said House for the payment of public debts (which had been delivered to him by Mr. Douglass, a member of Assembly); which being acted upon by the Council, was concurred in.

Then the Council allowed the following accounts:

To the Honorable Cæsar Rodney, Esq., Speaker, 12 days' attendance, . . . . .	£ 10 16 0
To Thomas McDonough, Esq., 6 days' attendance and mileage, . . . . .	5 5 0
To Isaac Grantham, Esq., for 4 days' attendance and mileage, . . . . .	4 10 0
To James Sykes, Clerk, for his attendance, . . . . .	5 0 0
To James Newnam, Sergeant-at-Arms, for attendance and riding express to New Castle, . . . . .	5 6 6
To Thomas Black, for ringing the bell, . . . . .	1 17 6
Total, . . . . .	<u>£ 32 15 0</u>

Then the Council adjourned to the 24th of May next, agreeable to a written intimation, directed to the Speaker of Assembly, that that House had adjourned to that time.



MONDAY, 24th May, 1784.

cient number of the members not having met to form  
on that day, they adjourned from day to day until  
the 15th of June, when all the members met, except  
Cæsar Rodney, Esq., Speaker, and Richard Bassett,

uncil—\*

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oses the record of the May session.

MINUTES  
OF THE  
LEGISLATIVE COUNCIL  
OF  
THE DELAWARE STATE,

HELD AT DOVER, WEDNESDAY, OCT. 20TH, 1784.

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A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Monday, the 25th of the same month, when there appeared as follows:

*For New Castle County*—George Read, Thomas McDonough, George Craghead.

*For Kent County*—Richard Bassett, Vincent Loockerman, Silas Snow.

*For Sussex County*—Henry Neill.

And the said members being so met in Council, certain indentures, certifying the election of George Craghead, Esq., a member of Council for the County of New Castle; and Vincent Loockerman, Esq., a member of Council in the room of Cæsar Rodney, Esq., dec'd, and Silas Snow, Esq., one other member, both for the County of Kent; and Henry Neill, Esq., a member of Council for the County of Sussex, were respectively produced and read, whereby it appeared to the Council that they were severally duly elected to represent the said Counties as members of the Legislative Council of the Delaware State, at the last annual election held in the said Counties of New Castle, Kent and Sussex, on the first day of this instant, October, for three years next ensuing the said election.

council proceeded to the choice of a Speaker, and the  
le Thomas McDonough was unanimously chosen.

members elected this present year took the oath pre-  
by the Constitution and subscribed the declaration of  
ein required. [*See note on page 10.*]

tion, Messrs. Read, Bassett and Craghead are appointed  
tee to wait on his Excellency, the President, and inform  
Council had met, chosen their Speaker, and were ready  
d on business, and desire to know if his Excellency had  
y before them.

Messrs. Snow and Loockerman are appointed a com-  
wait on the House of Assembly and inform them that  
were ready to receive and act upon any business that  
ay have to present.

gentlemen, being returned, do report—the former, that  
waited on his Excellency, the President, and delivered  
age committed to them, according to order, and that  
leased to say that he had sent a message to the House  
ably, which in due time would come before the Council ;  
r, that they had waited on the House of Assembly, had  
the message committed to them, and were informed by  
se that a message would be sent to Council in a short

shua Polk, a member of Council for Sussex County, now  
in the House and took his seat.

ixon, a member of Assembly, attending, was admitted  
ered to the Chair a resolution of that House, which, by  
ing read, follows in these words:

IN THE HOUSE OF ASSEMBLY,

MONDAY, P. M., Oct. 25, 1784.

tion,  
ed, That Mr. Nixon wait on the Council and propose  
that both Houses of the General Assembly meet in the  
Chamber, to-morrow at eleven o'clock in the forenoon,  
a nomination persons to be balloted for as Delegates to  
this State in the Congress of the United States of  
from the first day of November next ensuing until the

first day of November in the year one thousand seven hundred and eighty-five.

October 25th, 1784.

JAMES BOOTH, C

Concurred in by Council.

JAMES SYKE

*Ordered*, That Mr. Joshua Polk wait on the Council with the above resolution, with the certificate thereunto;

Who, being returned, reported that he had been in the House of Assembly and delivered the said resolution to order.

On motion, the Rules of the Council, made in the year 1776, were read.

On application of Mr. Bassett for leave of absence to attend the Supreme Court of Sussex County, being seconded, is granted, if Mr. Bassett's attendance there absolutely necessary.

Adjourned till 10 o'clock to-morrow morning.

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TUESDAY, C

Council met. Present all the members.

Mr. William Polk now appeared and took the oath.

Both Houses of the General Assembly, having met in the Council Chamber, proceeded to put in nomination for the following gentlemen were put in nomination: Bedford, Jr., Esq., John Vining, Esq., Samuel Thomas Rodney, Esq., Doctor James Tilton.

Killen, Esq., John Thompson, Esq., John Jones, Esq.,  
 mas Collins, Esq.

tion, that five persons should be chosen to represent  
 e in Congress, and the question being put, it passed in  
 ive.

tion, that four persons should be chosen for the purpose  
 and the question being put, it passed in the affirmative.

tion,

ed, That both Houses meet at four o'clock this after-  
 the Council Chamber, to ballot for four Members of  
 , to serve from the first day of November next ensuing  
 first day of November in the year 1785.

he two Houses separated.

ned to 3 o'clock, P. M.

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TUESDAY, 26th October, P. M.

l met. All the members present.

Houses of the General Assembly met again, agreeable to  
 tion of the forenoon, and proceeded to ballot for Mem-  
 Congress, and it appeared, upon casting up the votes,  
 four following gentlemen were chosen by a majority of  
 d declared duly elected, to wit: John Vining, Gunning  
 Jun., Doct. James Tilton, and Samuel Patterson, Esqs.

he two Houses separated.

l adjourned to 10 o'clock to-morrow morning.

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WEDNESDAY, October 27th, A. M.

l met. Present all the members.

ned to 3 o'clock, P. M.

## WEDNESDAY

Council met. Present all the members.

A petition, signed by Bertles Shea, of Dover, representing that he is confined in the County Jail, in the name of Messrs. Hugh Lennox and Company, of Philadelphia, for the debt of £450, which, he is become unable to pay; that all his property, real and personal, what he has, is mortgaged to the use of his creditors, and prays that he may be released from his imprisonment upon such terms as the General Assembly shall think meet, was read.

Mr. Broom, a member of the House of Representatives, was admitted and delivered to the Chair. A supplementary act to the act entitled 'An act for the speedy recovery of small debts, accompanied by a great number of the petitions, signed by a great number of the inhabitants of the County, and one petition, signed by some of the inhabitants of the County, praying the jurisdiction of the Court within this State may be extended to debts not exceeding fifteen pounds.

On motion, ordered that the same be passed accordingly.

Adjourned to 10 o'clock to-morrow morning.

## THURSDAY

Council met. Present all the members.

On motion, the bill entitled "A supplementary act for the more easy and speedy recovery of small debts," passed a second time.

Mr. Mitchell, a member of the House of Representatives,

tted and delivered to the Chair a bill entitled "An act  
 relief of Bertles Shea, a languishing prisoner in the jail  
 County," accompanied with a petition, signed by the  
 es Shea, in the same words of the petition read yester-  
 council.

tion,

nsideration of the supplementary bill above mentioned  
 d to a committee of three, to wit: Messrs. Bassett, Read  
 who are to report the amendments therein suggested  
 le by Council.

l adjourned till 3 o'clock, P. M.

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EODEM DIE, P. M.

l met. Present all the members.

tion, the bill for the relief of Bertles Shea was read.

ylor, a member of the House of Assembly, attending,  
 ttet and delivered to the Chair a bill entitled "An act  
 se the daily allowance of Grand and Petit Jurors," ac-  
 d with a petition, signed by sundry inhabitants of New  
 unty, praying that some reasonable allowance may be  
 the expenses of jurymen while in attendance upon that  
 These papers were read.

tion,

ed, That a committee of three be appointed to bring in a  
 e devising of the means of supplying the several offices  
 ate with public seals to authentic the acts of office where  
 s are necessary to be annexed, as well with respect  
 offices whose seals have heretofore been taken by the  
 s others the devices of which seals may not be incon-  
 to the independency of the State.

upon Messrs. Read, William Polk and Snow were ap-  
 committee for that purpose.

I

Mr. Broom, a member of the House was admitted and delivered to the Ch Excellency, the President of this State, letters from the Financier, of the 26th M October, 1784, and a letter from the Co the 2d August, 1784, with the ratificatio which, by order, was read, as follows:

*Gentlemen of the General Assembly :*

The Secretary will lay before you sund have received since the last meeting of th to wit: One of the 2d of August last, fro States, accompanied by a copy of the ra treaty of peace on the part of his Brita with that on the part of the United S roth of May last, at Passy. On the fina important and interesting business, I ta of presenting you my most hearty co which has placed these United States in and independence, and secured to them tions of the earth. The recollection of struggle lately endured by America, for important blessings, must call forth the the Wise Disposer of human events, an every American a warm attachment to from a wise and generous policy, exerted our defence and support. Virtue, and a I hope, in future, render us as illustrious in war, and enable us as a nation to enjo and blessings tendered to us and our p situation.

One of the 17th of the same month Consul-General of these States, at Par Most Christian Majesty confirming the p of Dunkirk and Marseilles have for son establishing l'Orient and Bayonne as fre

Two from the Financier-General and ject of the recovery from individuals o belonging to the United States. I thou Mr. Morris that such provision had bee ture of this State, and that Congress had



consequence thereof I received his answer of the 14th last.

of the 21st of last month from the State Treasurer, re his appointment, under a late law to issue a certificate for due on monies loaned, and liquidated debts. I have informed by that gentleman that he cannot transact the no provision being made for a clerk, either by Congress legislature; and lest the good people of the State might and, I wrote Mr. Morris on the subject, in order that that might be speedily removed. By his answer, of the 12th you will perceive the business is yet at a stand, and as my Collectors are now in the execution of the duty as them, unless the Legislature adopt some mode for certification, the taxables who are entitled to them will be more and in payment of their taxes than is just, or was expected at the General Assembly.

men—As the public dispatches now laid before you will but a small share of your time, the remainder of it, I am and, will be devoted to an attention to the necessary and at objects of the internal concerns of the State. Among my interesting matters which will claim your attention, I point out the following: a law for establishing a militia in this State, which is the most natural and secure defence of the public, and is with great propriety and justness of sentiment proposed and urged by our late worthy Commander-in-chief in his memorable valedictory address; a proper regulation of encouragement and introduction of trade; a law providing for the naturalization of foreigners who may come among us; an adequate provision to secure the inhabitants of the State from injury by sickly crews being landed; an amendment to the mode of taxation; a regulation of water grist-mills, and an amendment and publication of the laws of the State.

NICHOLAS VANDYKE.

, October 23, 1784.

turned to ten o'clock to-morrow morning.

FRIDAY,

Council met. Present all the members.

Mr. Bradley, a member of the House, was admitted and delivered to the Council House signifying their intention to adjourn to some future day.

The committee appointed to prepare an amplementary bill to the act entitled "An act for the speedy recovery of small debts," now re-essayed a draught of sundry amendments to the bill, which they laid on the table and considered of the House.

On motion, ordered that the said amendments be done accordingly.

On the question, "Whether the enactment that the fees of office should be applied to the poor in the respective hundreds where they passed in the affirmative."

On motion, the yeas and nays on the foregoing were ordered, and are as follows:

*For the affirmative*—Mr. Neill, Mr. Wilson, Mr. J. Polk, Mr. Loockerman.

*For the negative*—Mr. Read, Mr. Cragg.

The several amendments reported by the committee were agreed to, ordered that they be transcribed.

Adjourned to 4 o'clock, P. M.

## EODEM DIE, P. M.

il met. Present all the members.

otion,

ed, That Mr. Craghead wait on the House of Assembly  
ver the supplementary bill to the act for the more easy  
edy recovery of small debts, with the paper of amend-  
roposed thereto by the Council, for the concurrence of  
use.

raghead, being returned, reported that he had delivered  
bill and amendments of Council according to order.

otion, ordered

he bill entitled "An act to increase the daily allowance  
d and Petit Jurors," should have a second reading, which  
e accordingly, and is referred to further consideration.

otion,

ill entitled "An act for the relief of Bertles Shea, a lan-  
prisoner in the jail of Kent County," was read a second  
d some amendments being proposed and made at the  
motion,

ed, That Mr. Wm. Polk wait on the House of Assembly  
said bill and amendments, for concurrence of that House.

mith, a member of the House of Assembly, attending,  
itted and delivered to the Chair a letter from Samuel  
n, Esq.; resigning the office of Continental Loan Officer  
Delaware State; resolutions of the House of Assembly  
g the issuing certificates for interest due on Continental  
resolution for the payment of £3 to William Manlove,  
to be due to him by the Auditor for a musket and car-  
ox; which, by order, were severally read. The resolu-  
unded on the letter above mentioned, are as follows:

IN THE HOUSE OF ASSEMBLY

FRIDAY, A. M.

WHEREAS it appears by letter from Samuel Patterson, the Continental Loan Officer of this State, that he desires to resign the trust assigned to him by an act of the General Assembly of this State, entitled, "An act for raising six hundred and twenty-five pounds for one thousand seven hundred and eighty-four," which relates to giving certificates for interest due on the debts of the United States Congress and liquidated debts against the State, in which resignation the General Assembly has agreed in order to make the business as easy to Mr. Patterson as it can be, and if it will admit, and to accommodate it to the convenience of the inhabitants of the several counties of this State,

*Resolved*, That Samuel Patterson, Continental Loan Officer of this State, be, and he is hereby appointed, a deputy in each of the Counties of Kent and Sussex, when so appointed, are hereby declared to have full powers to issue such certificates in the name of the State, as the said Samuel Patterson may think proper, under the act of Assembly.

That the said Samuel Patterson transmit to the several Clerks in the Counties of Kent and Sussex, true and correct copies of the instructions from the Superintendent of the Finance of the United States, on the subject of issuing the certificates of the said State, aforesaid, together with a written form of the same, for their government and direction in performing the same.

That in case the United States, in consequence of the non-payment of the principal and interest on the said certificates, make a reasonable compensation to the said Samuel Patterson and his deputies, for their trouble in performing the same, in the office of the said Samuel Patterson, that this State will make such compensation, and that the General Assembly shall deem reasonable.

JAS. BOOTH

Sent for concurrence.

Adjourned to ten o'clock to-morrow morning.

SATURDAY, October 30th, A. M.

met. Present all the members.

William Polk reported having delivered the bill for the Bertles Shea to the House of Assembly according to

evell, a member of the House of Assembly, attending, and delivered to the Chair the bill entitled "An act to the act for the more easy and speedy recovery of debts," with the amendments proposed by Council, and to many parts of which the House of Assembly agreed, and amendments proposed by the House of Assembly and those of Council.

motion, Council resumed the consideration of the bill for the allowance to the Grand and Petit Jurors, and after the spent therein, the same is referred to further consider-

letter from Samuel Patterson, Esquire, Continental Loan, with the resolutions of the House of Assembly thereon, by order, read the second time.

motion, the question was put, "Shall the resolutions of the Assembly, founded on the letter of Samuel Patterson, be rejected?" and it passed in the affirmative unanimously.

motion, ordered,

a committee of three be appointed to propose certain amendments of Council respecting the subject of the letter of Samuel Patterson, Esq.

upon Mr. Bassett, Mr. Read, and Mr. Snow are appointed a committee for that purpose.

bill then took into consideration their amendments on the supplementary bill, &c.

motion, the yeas and nays on the last clause but one in the supplementary bill to the act for the more easy and speedy recovery of small debts, concerning the duties of the Justices on

the said supplementary bill being done with the same were ordered, and are as follows:

*For the affirmative*—Mr. Neill, Mr. W. and Mr. Bassett.

*For the negative*—Mr. Read, Mr. C. and Mr. J. Polk.

And Council being thus divided on the bill, Mr. Neill gave his voice in the affirmative, and it passed, and should be retained.

Adjourned to 3 o'clock, P. M.

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#### SATURDAY

Council met. Present all the members.

On motion, ordered,

That Mr. Neill wait on the House of Assembly with a supplementary bill to the act for the more effectual collection of small debts, with the amendments of the House returned by that House, many of them dissenting from the amendments proposed by the Council, and inform the Council whether they adhered to their several amendments from which they had receded, and that Mr. Neill report the amendment of the House of Assembly and the amendments proposed by Council.

Mr. Neill, being returned, reported that the bill and amendments last mentioned to the House were ordered according to order.

On motion, the report of the Auditor of the sum of £3 being due to William Marshall of the House of Assembly thereon, was concurred in by Council.

That the Speaker sign the order drawn in favor of  
 am Manlove, sent with the above mentioned papers ;  
 done accordingly.

ion, ordered,

r. Snow deliver the said order to the House of Assem-  
 being returned, reported that he had delivered the  
 rding to order.

oom, a member of the House of Assembly, attending,  
 ted and delivered to the Chair the supplementary bill  
 for the more easy and speedy recovery of small debts,  
 emendments returned to that House and adhered to by  
 with a paper of a further amendment proposed by the  
 , and a verbal message, which, being read, follows in  
 ds:

# AL MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

z:

ouse have fully considered the amendments proposed  
 onorable House to the supplementary bill for the more  
 speedy recovery of small debts, and still continue to  
 h of the said amendments as were before disagreed to  
 ouse and adhered to by the Council, and have also pro-  
 rther amendment. This we have done upon full convic-  
 acceding to those amendments will not be productive of  
 raming the bill; and altho' we conceive this law to be a  
 eficial one, and much desired by our constituents, yet,  
 ncil cannot recede from the aforesaid amendments, we  
 amment the loss of an act salutary to the good people of

reconsideration of Council on their amendment on the  
 of the sum from ten to twelve pounds in the said sup-  
 y bill mentioned, the Council, on the question, receded  
 amendment thereon, but adhered to the other several  
 nts by them proposed.

tion, the question was put, "Shall a committee be  
 to prepare and bring in a message to the House of  
 , therein giving the reasons of Council for their ad-

herence to the several amendments proposed in the supplementary bill last mentioned, except by the Council?" It was carried in the affirmative.

Committee: Mr. Bassett, Mr. Wm. F.

Mr. Read craved leave of absence and it was granted.

The committee appointed to prepare resolutions concerning the resignation of Sir John A. Macdonald, his office of Continental Loan Officer of Canada, reported that they had essayed a draught for the House, which they submitted to the correction of the House.

On motion, ordered that the same be read.

By special order, the same was read and ordered to be transcribed, and sent to the Council for concurrence.

The report aforesaid being transcribed, it was ordered that Mr. Neill wait upon the House of Assembly, and being returned, reported he had delivered the same to the order.

Mr. Douglass, a member of Assembly, reported that he had delivered to the Chair the bill for the amendment of the Act in relation to which that House had agreed, with the Council, by Council, with a resolution to affix the seal of the House to which Council concurred, and the same was ordered to be the said bill.

Mr. Taylor, a member of Assembly, reported that he had delivered to the Chair the report of the Council on the letter of General Patterson, disagreeing with the Council.

The committee appointed to prepare resolutions concerning the Council to the House of Assembly, and adhering to their amendments proposed to the act for the more easy and speedy amendment of the act now reported that they had essayed a draught for the House, which they submitted to the correction of the House.

Ordered that the same be read; which was done.



some amendments, was agreed to, and ordered to be  
l.

scribed message was read and compared, and ordered  
ed by the Speaker.

ny further proceedings could be had, notice was given  
ouse of Assembly had adjourned to the first Monday  
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# MINUTES OF COUNCIL.

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JAN.—OCT., 1785.

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# ES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

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MONDAY, 3d January, 1785.

cient number of the members not having met to form  
on that day, they adjourned from day to day until  
the 7th of the same month, when there appeared, as

*ew Castle County*—Thomas McDonough, Speaker, Geo.

*nt County*—Richard Bassett, Vincent Loockerman, Silas

tion. ordered,

the question, that the message to the House of As-  
that was prepared by Council on the close of the last  
nd could not be delivered on account of the sudden  
ent of that House, should be sent on the first meeting  
ouse, together with the bill on which the subject matter  
essage is founded, and the amendments proposed by  
hereto, &c.

z, That Mr. Snow deliver the same.

tion, for leave to bring in a bill for reviving an act of  
of the late Government entitled "An act for the ap-  
t of rangers and regulating strays," as the same has  
e time expired, and had been beneficial heretofore to  
people of this State.

Ordered, upon the question, that leave be granted for the introduction of such a bill.

Adjourned to 3 o'clock, P. M.

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Council met. Present same members.

Adjourned to 10 o'clock to-morrow morning.

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#### SATURDAY

Council met. Present the same members.

A bill entitled "An act for reviving and continuing an act for the appointment of rangers and regulars in the range of the Council, now delivered to the Chair, and, by order of the Council, be read a second time."

Ordered to lie on the table.

On motion, the bill concerning rangers be read a second time.

*Ordered*, That the said bill be passed by the House of Assembly, for concurrence, and that the Council deliver the same.

Adjourned to Monday morning, 10 o'clock.

## MONDAY, January 10th, A. M.

met. Present the same members.

aghead now informed Council that he had delivered the  
erning rangers and strays to the House of Assembly,  
to order.

ow also reported that he had delivered to the Speaker  
ouse of Assembly, on Saturday last, the papers commit-  
charge, that House being not competent to do business  
ne for want of a sufficient number to form a quorum.

otion being made and seconded, that leave be given to  
a bill obliging executors to give security for the faithful  
nce of the trust in them reposed, and upon the question,  
in the affirmative.

ssett therefore laid on the table a bill for that purpose.

d that the same be read; which was done accordingly,  
on the table.

ned to 10 o'clock to-morrow morning.

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TUESDAY, January 11th, A. M.

met. Present the same members, and Mr. William  
o appeared at this meeting.

tion, a petition, signed by Simon Wilmer Wilson and  
rclay Ferry, representing the injury they had sustained  
apture of a schooner, part whereof belonged to them, and  
eat expense by them incurred in paying the salvage to  
o had afterwards retaken her, &c., and desiring relief in

the premises, accompanied with their accounts on that occasion, and the Auditor's report for the first time.

Ordered to lie on the table.

On motion, a remonstrance, signed by the Treasurer of Kent County, representing that in pursuance of the resolutions of the General Assembly of 1798, for the payment of one year's interest due on the State debt, the officers, non-commissioned officers and soldiers of the 1st Regiment, the officers of the Hospital and the Surgeons and such other officers, non-commissioned officers and soldiers as are credited to this State in its quota of the debt, that the same resolutions directed and authorized the President and Commander-in-Chief to draw on the State Treasurer for the payment of £7500 to the 1st Regiment of Castle County, for the sum of £4000 to the 2nd Regiment of County, and for the sum of £1500 to the 3rd Regiment aforesaid; in consequence of which the President issued an order, bearing date the 21st of April last, directing the Treasurer for the payment of £4000 of the public debt to the remonstrant, John Banning, Treasurer of the County, applied according to the directions of the resolutions aforesaid.

That the remonstrant did not think it proper to demand the State Treasurer actual payment of the said order of the President, as he presumed that the collectors of the different Hundreds would have the money of their collections sufficient to cover the said order as fast as they should be demanded, and that the actual performance of the duty enjoined was well grounded.

That the remonstrant did, immediately after the receipt of the said order and resolutions, begin and have paid several public debts aforesaid, in the order of the President, out of the several collections of the County, until the receipt of a letter from Samuel Banning, Treasurer, dated the 5th December last, in which he remonstrant, in the most peremptory and authoritative manner, pay or discount any debts without his permission.



any reason of this *mandate* of the State Treasurer the  
 ant conceives he cannot safely continue to pay the resi-  
 e said £4000 according to the resolutions aforesaid, nor  
 ny order or warrant of the General Assembly, or Com-  
 n-Chief, for the payment of money, unless the same shall  
 ved of and an order for the payment of the sums therein  
 d indorsed thereon by the said State Treasurer, as it  
 presumed, from adverting to this prohibition, the said  
 Patterson, the present State Treasurer, will not allow the  
 ant credit for such payments on the settlement of his  
 with him, and humbly praying the General Assembly  
 is case into their serious consideration and provide ways  
 ns to indemnify him for the payments he has already  
 strict pursuance of the aforesaid resolutions, and give  
 r advice and direction how he is to demean himself in  
 s County Treasurer, in respect to orders drawn upon  
 ne payment of money, either by the General Assembly,  
 mander-in-Chief, or any other person or persons what-  
 nder color of any law now in force, except such orders  
 wn upon him by the said Samuel Patterson, as he has  
 apprehend that the payment of any others besides the  
 not be allowed to the credit of his accounts on settle-  
 n the said Samuel Patterson.

remonstrance was accompanied with the resolutions of  
 ral Assembly and the letter of Samuel Patterson above  
 d, and were severally read.

d to lie on the table.

l adjourned to 3 o'clock, P. M.

---

EODEM DIE, P. M.

l met. Present all the members who appeared in the  
 except Mr. Bassett, who had been in the House before  
 g thereof, and had leave of absence for a few hours.

On motion, the bill for raising the Petit Jurors, which was left under consideration of the General Assembly, was now again

Ordered to lie on the table.

Adjourned to ten o'clock to-morrow

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### WEDNESDAY

Council met. Present the same members. Under consideration the petition of Simon Wilmer, of Clay Ferry, and the papers which accompany it. Time spent therein, ordered, upon the petitioners' papers be delivered to the petitioners, Mr. Winder, and make such proofs to his claim as may be in his power.

On motion, the proposals of the House appointing conferees on the subject matter of the supplementary bill to the act entitled 'An act for the easy and speedy recovery of small debts,' delivered to one of the members of Council yesterday after Council had adjourned, by the General Assembly, was now read, and follows in

### IN THE HOUSE OF COMMONS

TUESDAY, 18th

The House resumed the consideration of the supplementary act to the act entitled 'An act for the easy and speedy recovery of small debts,' proposed thereto and undetermined; and

*Resolved*, That it be proposed to the House of conference be appointed by each House to consider the subject matter of the said amendments.

conferees appointed on the part of this House are: Mr. Mr. Bedford, and Mr. Raymond.

ct from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

t for concurrence."

h being read and agreed to by Council, the following en were appointed conferees on the part of the Council, Mr. Bassett, Mr. Craghead, and Mr. Snow; who are to e conferees on the part of the House of Assembly at any d place that is most agreeable to them.

red, That Mr. William Polk wait on the House of As- and return the proposals of that House respecting the ment of conferees on the subject matter of the supple- y bill to the act for the more easy recovery of small debts, e appointment of conferees on the part of the Council on iness.

Polk, being returned, reported that he had delivered the committed to his charge to the House of Assembly, le to order.

otion, ordered,

the bill entitled "An act to increase the daily allowance d and Petit Jurors," should be read by paragraphs, in rse of which sundry amendments were proposed and to by Council.

red, That the said bill, with the amendments proposed by should be sent to the House of Assembly for concur-

red, That Mr. Loockerman wait on the House of Assem- the bill and amendments, &c.

otion, ordered,

the bill obliging executors to give security for the faithful ance of the trust in them reposed, be read a second time; as done accordingly.

On motion, and by order, the said bill was by paragraphs, passed the House, is ordered and sent to the House of Assembly for consideration.

Council adjourned to 3 o'clock, P. M.

---

Council met. Present the same members.

Mr. Loockerman reported that he had delivered amendments committed to his charge to the House.

On motion, for leave to bring in a bill to appoint a President or Commander-in-Chief of this State, and to commit to some proper person in the commission of the peace, the duties of the several Courts of Quarter Sessions of the Peace for the State, and for other purposes, therein mentioned, the same was granted, and Mr. Craghead therefore delivered his report for the purpose aforesaid.

On motion, ordered that the same be read accordingly.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

---

THURSDAY, JANUARY 10, 1850.

Council met. Present the same members.

The committee appointed to confer with the House of Assembly on the subject matter proposed by Council to the supplementary bill, reported.

y and speedy recovery of small debts, do now report, had met the committee of the Assembly and come to ment as to several of the amendments, and had referred ue to another conference.

itchell, a member of the House of Assembly, attending, tted and delivered to the Chair a bill entitled "An act the owners and possessors of the meadow, marsh and n Cedar Creek, in Red Lyon Hundred, in the County Castle, to erect a new bank in part and to keep the resi- e old bank, &c., in repair," accompanied with a petition ners thereof, and sundry advertisements giving notice of cation, &c.

ill for obliging executors to give security, &c., being ed and compared,

ed, That Mr. Snow wait on the House of Assembly and e same;

being returned, reported he had delivered it to the the House being not sitting.

room, a member of Assembly, attending, was admitted ered to the Chair the bill to increase the daily allowance and Petit Jurors, with the amendments proposed by the hereto, all of which the House of Assembly had agreed ot the 7th, to which the House of Assembly proposed dment and an additional clause for the limitation of the to three years, and from thence to the end of the next Assembly, and no longer.

amendments of the House of Assembly to the amend- the Council being read, Council agreed to the same, e first, to which they adhered.

ed, That Mr. William Polk deliver the same to the Assembly.

ned to 3 o'clock, P. M.

Council met. Present the same members.

The petition of divers inhabitants of the County of New Castle, owners of and accompanied with a bill entitled "An act to give title to the meadow, marsh and possessors of the meadow, marsh Creek, in Red Lyon Hundred, in the County of New Castle, to erect a new bank in part and keep the same in repair, &c., in repair," and sundry advertisements intended application to the General Assembly, their having been put up in due time, was read.

Mr. Polk, being returned, informed that the papers committed to his charge to be read according to order.

On motion,

*Ordered*, That Mr. Craghead wait on the petition with the remonstrance of John Banning, and the papers accompanying the same.

Who, being returned, reported that the same was read according to order.

Adjourned to 10 o'clock to-morrow morning.

---

FRIDAY

Council met. Present the same members.

On motion, by order,

The bill empowering the President to commissionate some proper persons to be read.

of Quarter Sessions of the Peace in the respective Counties of this State, and for other purposes therein mentioned, was read a second time.

Resolved to lie on the table.

Continued till 3 o'clock, P. M.

---

EODEM DIE, P. M.

Assembly met. Present the same members.

Resolution, ordered,

That the bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of Quarter Sessions of the Peace in this State," was read a second time, after sundry amendments agreed to by Council and the questions being severally put, it passed the

Resolved to be transcribed and sent to the House of Assembly for concurrence.

Petition, signed by the Rev. Sydenham Thorne, a clergyman of the Protestant Episcopal Church, and an inhabitant of Kent County, complaining of his being taxed in that county, contrary to usage and custom, all other clergymen having been exempted from taxation, and praying relief in the premises, was read a first time.

Resolved to lie on the table.

Continued to 10 o'clock to-morrow morning.

## SATURDAY

Council met. Present the same members.

The bill entitled "An act to empower trustees and suitable persons to preside in the several Quarter Sessions of the Peace in this State," was read and compared, on motion,

*Ordered*, That Mr. William Polk wait on the Assembly therewith.

Mr. Broom, a member of Assembly, arose and delivered to the Chair a message from the Governor, accompanied with a letter from Captain William McKennan, certificate of monies advanced the Delaware State of Delaware for the year 1781, and a resolution of the House of Assembly in favor of Capt. McKennan's currency.

Ordered that the above papers be read and recorded accordingly, and the resolution follows in the minutes.

## IN THE HOUSE OF ASSEMBLY

## SATURDAY

The House took into consideration the petition of William McKennan, of the 29th of October last, and thereupon

*Resolved*, That Captain William McKennan receive the pay and emoluments of a captain who was employed in obtaining and distributing certificates of the pay of officers and soldiers of the 1st Regiment, and that the Auditor be directed to make and report to the General Assembly the same.

Extract from the minutes.

Sent for concurrence.



ill, a member of Council, now appeared in the House  
 med them he had been very unwell, which had occa-  
 s not attending sooner, and therefore hoped the excuse  
 il, which is accepted.

lk, being returned, reported that he had delivered the  
 mitted to his charge to the House of Assembly, accord-  
 der.

pecial order, the resolution of the House of Assembly  
 g Capt. McKennan, was read a second time and con-

d, That Mr. Snow wait on the House of Assembly and  
 e same;

being returned, reported that he had delivered the paper  
 d to his charge, according to order.

ned to 3 o'clock, P. M.

---

#### EODEM DIE, P. M.

l met. Present the same members, and adjourned to  
 next at 10 o'clock, A. M.

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#### MONDAY, January 17th, A. M., 1785.

l met. Present the same members, except Mr. Neill,  
 disposed.

mes, a member of Assembly, attending, was admitted  
 ered to the Chair a bill entitled "An act for establishing  
 ,"

On motion, by order, the said bill was re-

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow mor-

---

TUESDAY, J

Council met. Present the same member

The Speaker presented to Council a letter from William Millan, representing that he had a claim against the State for £15 : 9, that he had delivered a bill of exchange to the State for the purchase of McClay, which has been since lost; that the bill was confiscated and sold for the purpose of raising money for the use of the State; that the residue for the use of the State; that the sale of said estate is lost by the failing of the bill; that he conceives he ought to be paid the amount of his bond by this State, the amount of which is now exhibited, is £22 : 17.

On motion, by order, the said letter and

Ordered to lie on the table.

On motion, by order,

The bill entitled "An act for establishing a second time.

Ordered to lie on the table.

Mr. Nixon, a member of Assembly, at the Chair and delivered to the Chair a bill entitled "An act for enabling persons to preside in the several Courts of Sessions of the Peace in this State," with several amendments proposed by that House to the same.

On motion, by order, the amendments proposed by Assembly to the last mentioned bill were

Broom, a member of Assembly, attending, was admitted  
 ivered to the Chair resolutions of that House respecting  
 vance to the Delegates in Congress, which, on motion, by  
 vere read, and follow in these words, viz :

IN THE HOUSE OF ASSEMBLY,

MONDAY, January 17th, 1785.

REAS it becomes the duty of the Legislature to provide for  
 port of the Delegates from this State to the Congress of  
 ted States in a manner suitable to the honor and dignity  
 station; therefore

ved, That each of the Delegates from this State to the  
 ss of the United States, for the present year, be allowed  
 of forty shillings for every day he has attended, or shall  
 n Congress, or any committee thereof, and also the same  
 day for traveling charges in going thereto, and returning  
 m.

ved also, That the Speakers of both Houses, or, in the  
 f the General Assembly, the President or Commander-in-  
 f this State, upon each Delegate's producing an account  
 tendance, be and are hereby authorized to draw an order  
 State Treasurer indorsed on such account, for the pay-  
 the same; which account, with the order and receipt,  
 a sufficient voucher for the Treasurer in the settlement  
 accounts.

JAS. BOOTH, *Cl'k of Assembly.*

for concurrence.

urned to 3 o'clock, P. M.

Council met. Present the same members.

On motion, by order,

The resolutions of the House of Assembly for allowance per day of the Delegates to Congress to the United States, were read a second time, which reading some amendments were proposed to by Council.

On motion,

*Ordered*, That Mr. William Polk deliver a paper to the House of Assembly;

Who, being returned, reported he had done.

On motion, by order, the amendments proposed by the House of Assembly to the bill entitled "An act to provide for the appointment of suitable persons to preside in the General Quarter Sessions of the Peace," were taken and severally agreed to, and the bill ordered to be read.

Adjourned to 10 o'clock to-morrow morning.

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WEDNESDAY, J

Council met. Present the same members.

The engrossed bill, entitled "An act to provide for the appointment of suitable persons to preside in the General Quarter Sessions of the Peace in the District of Columbia," with amendments proposed by the House of Assembly, was now read and compared.

ed. That Mr. Craghead wait on the House of Assembly same;

being returned, reported he had delivered the bill and contents committed to his charge, according to order.

Raymond, a member of Assembly, attending, was admitted and delivered to the Chair the resolutions of that House giving the allowance to the Delegates from this State to the States in Congress, with the amendments proposed by thereunto, to two of which the House of Assembly had agreed and to the other, with respect to increasing the daily allowance from 40s. to 45s., that House had disagreed; also a report of the Auditor of Accounts on the resolutions of the General Assembly respecting the claim of Capt. William McKennan; the report follows in these words, viz:

Auditor of Accounts being unprovided with the late orders of Congress for settling the accounts of the Army, he has procured himself of the best information in his power to report, and thereupon begs leave to make the following report, viz: That there is due to Captain William McKennan his pay and subsistence, and forage for his horse, for six months, fifteen days, the time he charges to have been employed in obtaining and distributing final settlement certificates of the officers and soldiers of the Delaware Regiment, amounting to one hundred and eighty-four pounds, seventeen shillings and six pence.

January 18th, 1785. E. McCOMB, *Auditor of Accounts.*

House of Assembly, Wednesday, A. M., Jan. 19, 1785, agreed to.

JAMES BOOTH, *Cl'k of Assembly.*

Council. Read and concurred in.

JAMES SYKES, *Cl'k Leg. Council.*

The Council resumed the consideration of the bill entitled "An act for establishing a Militia," and after some time spent therein is referred to further consideration.

On motion, by order, on reading the amendments of Council to the resolutions of Assembly respecting the daily allowance of

the Delegates in Congress from this State.  
 "Do Council rescind their amendment t  
 increasing the daily allowance therein men  
 the affirmative, and Council concurred in t

On motion,

*Ordered*, That Mr. Loockerman wait o  
 the several papers delivered to Council  
 which Council had agreed, and also deli  
 William Millan's letter, with its inclosures,

Mr. Loockerman, being returned, repor  
 ered the papers committed to his charge, a

Adjourned to 3 o'clock, P. M.

Council met.

Mr. Broom, a member of Assembly, att  
 and delivered to the Chair a resolution of t  
 an order in favor of Capt. William McKen  
 report of the Auditor of Accounts, with th  
 House; which, by order, being read and co  
 these words, viz:

IN THE HOUSE OF ASS  
 WEDNESDAY

On motion,

*Resolved*, That the Speakers of both H  
 on the State Treasurer for the payment  
 eighty-five pounds seventeen shillings and  
 McKennan, agreeable to the Auditor's R  
 day by the General Assembly.

JAS. BOOTH

Sent for concurrence.

room also delivered to the Chair an order, drawn by the Assembly, in favor of John Vining, Esq., one of the members from this State to Congress, for the sum of £115 : 10, amount of his account, as exhibited to the General Assembly, attendance in Congress the last year, and for the present time; which, by order, was read and agreed to by

That the said orders be signed by the Speaker of which was accordingly done.

turned to 10 o'clock to-morrow morning,

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THURSDAY, January 20th, A. M.

Assembly met. Present the same members as yesterday.

Motion being made and seconded, that leave be given to a resolution of this House requiring and directing the members of Congress from this State, with all possible dispatch, to form and recommend to the Legislature of the United States what in their opinion may be a proper peace establishment, so as to form the Militia of the Union on a uniform, and respectable footing, which is granted; and Mr. Bassett moved a resolution on the table for that purpose, which, by yeas and nays, was read, and follows in these words:

Resolved, That whereas a well regulated Militia is and must be considered as the palladium of the security of our country, and the first resort in case of hostility; and whereas to make it more effectual and powerful it is necessary the same system should, as near as possible, pervade the United States, that the discipline of the Militia of the United States may be uniform, and the same species of arms, accoutrements and military apparatus be introduced, in all the States of the United States; therefore

Resolved, That the delegates to Congress from this State be and directed, with all possible dispatch, to press Congress to form and recommend to the Legislatures of the several

States what, in their wisdom, may be ment for the United States; in which doubted, will be paid by Congress to the militia of the Union upon a regular

Adjourned to 3 o'clock, P. M.

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Council met and adjourned to 10 o'clock

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FRIDAY

Council met. Present the same members

Council resumed the consideration of the bill for establishing a Militia." In the course of the day, sundry amendments were proposed by paragraphs, sundry amendments were proposed to as far as Section six. The further consideration was postponed until the afternoon.

Adjourned to 3 o'clock, P. M.

---

Council met. Present the same members

The Council again resumed the consideration of the bill titled "An act for establishing a Militia, and some amendments were proposed to the ninth, which were agreed to by Council. The bill of the said bill also agreed to.



ed, That the amendments be transcribed and sent to the  
f Assembly for concurrence.

otion, ordered,

the resolution of Council respecting the directing the  
s of Congress from this State to press upon Congress  
ssity of recommending to 'the several Legislatures of  
ed States what in their wisdom may be a proper peace  
ment, &c., should be read; which was done accordingly,  
ed to by Council.

ed, To be transcribed and sent, with the above men-  
ill, to the House of Assembly.

otion, for leave to bring in a bill as a supplement to "An  
he better regulation of servants and slaves, &c.," the  
granted, and Mr. Snow delivered a bill on the table,  
y order, was read the first time.

ed to lie on the table.

ed, That Mr. William Polk wait on the House of Assem-  
the resolution drawn in favor of Capt. McKennan.

turned to 10 o'clock to-morrow morning.

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SATURDAY, January 22d, A. M.

il met. Present the same members as yesterday.

amendments to the bill for establishing a Militia, being  
ed, were compared, also the resolution directing the  
s of Congress from this State to press upon Congress  
ing and recommending to the several Legislatures of the  
States a proper peace establishment, &c.

ed, That Mr. William Polk wait on the House of As-  
with these papers, together with the bill for establishing

Mr. Polk, being returned, reported the House of Assembly the papers now and also the resolution in favor of Cap committed to him yesterday in the after

Adjourned to 3 o'clock, P. M.

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Council met. Present the same members

Mr. Nixon, a member of Assembly, and delivered to the Chair an engrossed elementary act to the act entitled 'An act for a speedy recovery of small debts,' with an engrossed bill entitled "An act to empower point suitable persons to preside in the Quarter Sessions of the Peace in this State," bill entitled "An act to increase the duties of Petit Jurors and Witnesses," signed by the Council of Assembly; which were severally com

Mr. Nixon also delivered to the Chair Bills of Credit emitted by virtue of an act for the support of non-commissioned soldiers &c., disabled in the course of the late war

On motion, by order, the said two bills were read the first time.

Ordered to lie on the table.

Adjourned to 10 o'clock on Monday

MONDAY, January 24th, A. M.

cil met. Present all the members, as Mr. Read and Mr. Polk now appeared in the House and severally informed—the former, that at the time of the first meeting of the the weather was so extremely severe that he could not, state of health, venture abroad; that the week following very urgent and indispensable business intervened, which d him; the latter, that his absence was occasioned by the of his wife and his own indisposition. Both of the gen-s reasons are admitted, and they stand excused.

motion, by order, the several engrossed bills last mentioned gned by the Speaker.

motion, by order,

bill entitled "An act to enable the owners and possessors eadow, marsh and cripple on Cedar Creek, in Red Lyon ed, in the County of New Castle, to erect a new bank in d to keep the residue of the old bank, &c., in repair," ned by the Speaker.

red, That Mr. Joshua Polk wait on the House of Assem- deliver there the several bills signed by the Speaker.

motion, by order,

bill entitled "An act for the support of non-commissioned private soldiers, warrant officers, marines, and seamen, of this State, who, in the course of the late war, have aimed, or disabled from getting a livelihood," was read a time.

red to lie on the table.

Joshua Polk, being returned, reported that he had deliver-bills committed to his charge, according to order.

motion, by order,

bill entitled "An act for calling in and destroying such of

the Bills of Credit, emitted by virtue of the Act passed under the present or former Government, now outstanding, and for other purposes, which was read a second time.

Ordered to lie on the table.

Mr. Waples, a member of Assembly, presented to the Chair the bill for the amendment of the laws proposed by Council to which the House of Assembly has disagreed.

Adjourned to 10 o'clock to-morrow morning.

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#### TUESDAY

Council met. Present all the members.

On motion, by order, the petition from Thorne was read the second time.

Ordered to lie on the table for further consideration.

Adjourned to 3 o'clock, P. M.

---

Council met. All the members present.

Mr. Revell, a member of Assembly, presented to the Chair the bill entitled "An Act to give security for the faithful execution of the trusts reposed in them by their testator," which was read the first time, and proposed by that House.

On motion, by order, the amendments proposed to the bill by the House of Assembly were read the first time.

motion,

ered, That Mr. Neill wait on the House of Assembly with  
d bill, and the amendments of that House disagreed to by  
l.

Neill, being returned, reported that he had returned to the  
of Assembly the bill and amendments thereunto, proposed  
House, according to order.

Council resumed the consideration of the amendments to  
l entitled "An act for establishing a Militia," to some of  
the Assembly had disagreed, and after some time spent  
, the question was put, "Do Council adhere to their 7th  
ment?" which is—in Section 7 and line 11 of the bill, after  
rds [provided with] insert the words [sufficient arms and  
ements to enable him to be taught and instructed in his  
nd exercise, to be adjudged of by the commanding officer  
]—and the House being divided on this question, the  
er gave his voice in the affirmative.

motion, that the yeas and nays should be entered on this  
n, it was ordered accordingly, which are as follows:

*the affirmative*—Mr. Read, Mr. Bassett, Mr. Snow, Mr.  
erman.

*the negative*—Mr. Craghead, Mr. Neill, Mr. J. Polk, Mr.  
lk.

whole of the amendments disagreed to by the House of  
bly were adhered to by Council, on the questions being  
ly put.

ourned to 10 o'clock to-morrow morning.

## WEDNESDAY

Council met. Present all the members.

On motion,

*Ordered*, That Mr. Craghead wait on the Assembly and return the bill entitled "An act to amend the amendments of Council.

Mr. Waples, a member of Assembly, presented and delivered to the Chair a petition, signed by the inhabitants of Kent County, praying that the Assembly should pass to permit them to build a bridge over Mispillion Creek, at the upper landing of the creek. It would be of great advantage to the public if a considerable sum of money was subscribed for the purpose. The petition, from divers inhabitants of Kent County, was read, and the prayer of the first, and a resolution of the Council, appointing a committee upon the aforesaid petition.

On motion, by order, the said petition and the resolutions of the House of Assembly were read.

Mr. Craghead, being returned, reported that the papers committed to his charge, according to the order of the Council, were ready for the consideration of the Assembly.

On motion, some amendments were made to the bill of the Assembly for appointing a committee to consider the petitioned petitions, and being transcribed, the bill was read.

*Ordered*, That Mr. William Polk wait on the Assembly and deliver the same.

On motion, by order,

The bill entitled "A further supplement to an act for the better regulation of servants and apprentices" was read a second time. Referred to further consideration.

Mr. Polk, being returned, reported that the papers committed to his charge, according to the order of the Council, were ready for the consideration of the Assembly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

il met. Present all the members.

anny, a member of Assembly, attending, was admitted  
 rned to the Chair the resolution of the House Assembly  
 ng the appointment of a committee on the petitions con-  
 the bridge over Mispillion Creek, with the amendments  
 cil to which that House had agreed, which was concurred  
 ouncil, and Mr. William Polk is appointed as one of the  
 ee on the part of the Council; which resolution follows in  
 ords:

IN THE HOUSE OF ASSEMBLY,

January 25th, 1785.

House having taken into consideration the petition from  
 habitants of this State, praying that a law be enacted for  
 a bridge over Mispillion Creek, near the upper landing  
 aid Creek,—and also the petition from divers inhabitants  
 ounties of Kent and Sussex, praying that the waters of  
 e creeks may not be obstructed by bridges being built  
 same, and especially that no bridge may be permitted to  
 over Mispillion Creek, near Oliver and Cropper's land-

ved, That a committee of the General Assembly, consist-  
 ree, be appointed, to whom the said petitions be referred,  
 o are hereby directed to go upon the premises aforesaid,  
 upon viewing the same, they shall be of opinion that a  
 irected over Mispillion Creek, as aforesaid, will be of  
 tility, they shall ascertain the place where, and the man-  
 , the same shall be erected; and that the said committee  
 heir opinion thereon fully at the next sitting of the Gen-  
 embly.

members appointed on the part of this House are Mr.  
 and Mr. Bradley.

ct from the minutes.

JAS. BOOTH,

for concurrence.

*Cl'k of Assembly.*

Legislative Council, January 26th, 1785, read and con-  
 n.

The member appointed on the part of William Polk.

JAMES SYKES

On motion, Council took into consideration "An act for calling in and destroying submitted by virtue of any laws of this present or former Government thereof, &c.," and after some debate thereon, in consideration.

Adjourned to ten o'clock to-morrow

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THURSDAY

Council met. Present all the members. In consideration of the last mentioned bill, and a vote was put, "Shall the bill now under consideration be passed in the affirmative."

On motion, that the yeas and nays be entered, was ordered accordingly, and a

*For the affirmative*—Mr. Loockerman, Mr. Polk, Mr. W. Polk, Mr. Neill, Mr. Craighead.

*For the negative*—Mr. Read, Mr. Bailey.

On motion that the said bill shall be reported by a committee of three, the members appointed are: Mr. Snow, and Mr. Craghead.

Adjourned to 3 o'clock, P. M.



EODEM DIE, P. M.

cil met.

committee to whom the last mentioned bill was committed, and that they had made some progress therein, but required time to perfect the same; which was granted.

turned to 10 o'clock to-morrow morning.

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FRIDAY, January 28th, A. M.

cil met. Present all the members.

Nixon, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of that House for appointing a committee of conference on the bill for establishing a

red to lie on the table.

Raymond, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for recovery of lands received under the late Militia law."

red to lie on the table.

motion, for leave to bring in a bill for vesting in Trustees, the use therein mentioned, the title of the school house and the ground on the same is erected, and an adjoining lot in the Town of Dover, the same is granted, and Mr. Bassett laid a bill on the table for that purpose.

red to lie on the table.

turned to 3 o'clock, P. M.

Council met. Present all the members.

On motion,

The bill entitled "An act for vesting of ground whereon the same is built, of ground contiguous thereunto in the fees for the use therein mentioned," as referred to therein, were read the first time.

Ordered to lie on the table.

On motion, Council resumed the bill entitled "An act for the support of non-commissioned private soldiers, warrant officers, marshall and sundry amendments were proposed.

*Ordered,* That the amendments as proposed be sent to the House of Assembly for consideration.

The gentlemen to whom the bill for the relief of the Credit, &c., was committed, now reported sundry amendments to the same, which were read and submitted to the correction of the Council.

Ordered that the same be read.

On motion, by order,

The bill entitled "A supplement to an act for the relief of the poor and slaves," was read, by paragraphs, and the enacting clause, "Do Council agree to the same in the negative.

On motion, by order,

The resolution of the House of Assembly on the subject matter of the bill as referred to the Council to the bill for establishing a Militia, in these words, viz:

## IN THE HOUSE OF ASSEMBLY,

January 28th, 1785.

House resumed the consideration of the amendments pro-  
posed to the bill entitled "An act for establishing a Militia," and  
on

*Resolved*, That it be proposed to the Council that a committee  
be appointed by each House to confer on the subject matter of  
the amendments.

The conferees appointed on the part of this House are: Mr.  
James, and Mr. Taylor.

Extract from the minutes.

JAS. BOOTH,

for concurrence.

*Cl'k of Assembly.*

Resolved in by Council. Gentlemen appointed on the part  
of Council: Mr. Snow, Mr. Neill, and Mr. Joshua Polk.

*Resolved*, That Mr. Bassett wait on the House of Assembly  
for the appointment of a committee upon the petitions for and  
the building a bridge over Mispillion Creek, &c.; the  
action of Assembly for appointing conferees on the subject  
of the bill for establishing a Militia; the bill for the sup-  
ply of non-commissioned officers, private soldiers, &c., with the  
amendments proposed and agreed to by Council.

motion, ordered

Mr. William Polk wait on the House of Assembly with  
the following verbal message:

VERBAL MESSAGE FROM THE COUNCIL TO THE HOUSE OF  
ASSEMBLY.

That the Council request to know from the honorable House  
of Assembly, whether any reports have been made and returned  
to the House, in virtue of the act for stating the accounts of the  
Loan-Offices, and of commissioners into whose hands any  
monies have come by virtue of laws passed under the for-  
mer government, &c., passed the 12th February, 1781; and if  
not, the Council request, that the House of Assembly may  
be pleased to be delivered to Council for their information as  
to the bill, entitled, "An act for calling in and destroying

such of the bills of credit emitted by the State, passed under the present or former Acts, as are now outstanding, and for others mentioned," sent up by the House of Assembly to the Council for consideration and concurrence.

Adjourned to ten o'clock to-morrow.

---

SATURDAY

Council met. Present all the members.

Mr. Polk, being returned, reported his message, according to order.

On motion, by order,

The bill entitled "An act for vesting the lands in the Town of Dover in Trustees, &c., &c." Ordered to be postponed.

Mr. Gordon, a member of Assembly, was called in and delivered to the Chair a return of the Office accounts of Kent and Sussex, accompanied by a message, which follows in these words,

A VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

*Gentlemen :*

In answer to your verbal message, received from the House of Assembly, I have the honor to inform the honorable the Council, that the Committee appointed by the act of the twelfth of December last, have reported their settlements of the Loans of the Counties of Kent and Sussex, but that the Committee have no business in the County of New Castle to report. The two reports that have been made, will be presented to the Council for their information, have not yet been presented to the House.

Adjourned to 3 o'clock, P. M.

## EODEM DIE, P. M.

cil met. Present all the members.

motion, by order,

bill entitled "An act for destroying the Bills of Credit by virtue of any law of this State, &c., with the amendment hereto agreed by the committee appointed for that purpose read, and after some time spent in the consideration is referred to three o'clock on Monday afternoon.

Smith, a member of Assembly, attending, was admitted to the Chair the bill for the support of non-commissioned officers, &c., with a paper of amendments proposed to the House of Assembly thereto.

turned to 3 o'clock on Monday next, P. M.

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## MONDAY, January 31st, P. M.

cil met. Present all the members.

able to the order of the day, Council resumed the consideration of the bill for destroying the Bills of Credit emitted by any law of this State, &c., and the first enacting clause read, as amended, the question was put, after the same had been debated, "Do Council agree to the same?" and it passed in the affirmative.

*the affirmative*—Mr. Neill, Mr. William Polk, Mr. Joshua Read, Mr. Craghead, Mr. Loockerman, and Mr. Snow.

*the negative*—Mr. Read, Mr. Bassett.

turned to 10 o'clock to-morrow morning.

## TUESDAY

Council met. Present all the members. Consideration of the bill for destroying the virtue of any law of this State, &c., and therein, is referred till the afternoon.

Adjourned to 3 o'clock, P. M.

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Council met. Present all the members. Consideration of the last mentioned bill, were proposed and agreed thereunto, and action thereof postponed until to-morrow.

Adjourned to 10 o'clock to-morrow.

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## WEDNESDAY

Council met. Present all the members. Consideration of the last mentioned bill; and transcribed, were compared, and the said bill is passed.

*Ordered*, That Mr. Neill wait on the the said bill and the amendments of concurrence of that House.

Mr. Bradley, a member of Assembly and delivered to the Chair a bill entitled "An Act for the regulation of certain water grist-mills on

County;" certain resolutions of that House for printing  
 es of the Laws of this State, and a proposition for filling  
 blank in the said resolutions with the names of George  
 William Killen, and James Booth, Esquires; which, by  
 ere severally read.

application of Mr. William Polk for leave of absence the  
 ing time that Council may sit, the same is granted.

urned to 3 o'clock, P. M.

---

EODEM DIE, P. M.

cil met. Present all the members, except Mr. William

ames, a member of Assembly, delivered to the Chair a  
 ent from the House of Assembly, proposing to fill up the  
 n the bill for calling in and destroying the Bills of Credit,  
 h the names of John Stockton for New Castle County,  
 McComb for Kent County, and Joseph Hall for Sussex  
 as Trustees of the respective Loan Offices; which, by  
 as read.

otion, by order,

bill entitled "An act for the regulation of certain water  
 ills on Brandywine Creek, in New Castle County," was  
 econd time.

red under consideration until to-morrow morning.

Douglass, a member of Assembly, attending, was admit-  
 delivered to the Chair two reports of the Auditor of  
 s, the one of 26th, and the other of 27th January, with  
 endments proposed by the House of Assembly to one  
 reports; Mr. Henry Neill's accounts, and a resolution  
 ng the time of the intended adjournment of that House;  
 y order, were severally read.

urned to 10 o'clock to-morrow morning.

## THURSD

Council met. Present the same members.

Mr. Waples, a member of Assembly, and delivered to the Chair a report of of this day

Adjourned to 3 o'clock, P. M.

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Council met. Present the same members. Consideration of the resolution of the House, relating to the appointing of commissioners to examine the Laws of this State, and sundry amendments. George Reed and James Booth, Esqrs., Commissioners.

*Ordered*, That Mr. Neill wait on the House, and deliver the above mentioned papers;

Who, being returned, reported he had no business to order.

Adjourned to 10 o'clock to-morrow

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## FRIDA

Council met. Present the same members.

On motion, ordered,

That Mr. Craghead and Mr. Snow attend to the reports by him presented to the House, and there examine the vouchers in support of the same, and make report of their proceedings.



gentlemen, being returned, reported that they had attended the Auditor's office, according to order, and had examined the vouchers respecting the reports of the sums due to the Whigs, and of those concerning Mr. Neill's Battalion, for both of which the vouchers were sufficient, and that they are properly due to the United States; that with respect to the report as to the sufficient vouchers for the several accounts therein mentioned by the Auditor.

Mitchell, a member of Assembly, attending, was admitted to move the proposition for filling up the blank in the resolution for printing the laws, disagreed to by the Assembly; also the resolutions thereon, and amendments of Council, to several of which the House of Assembly had disagreed.

The Council took into consideration the bill for regulating the water rights in the County of New Castle, and agreed to sundry amendments, which were transcribed and compared.

Resolved, That Mr. Joshua Polk wait on the House of Assembly, to deliver the said bill, with the proposed amendments of the same thereunto.

Adjourned to 3 o'clock, P. M.

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#### EODEM DIE, P. M.

Assembly met. Present the same members.

On motion, Council went into the consideration of the bill entitled, "An act for the recovery of the monies received under the act of the Legislature of this State," and after some amendments made and agreed to, the same was transcribed.

Resolved, That Mr. Bassett wait on the House of Assembly, to deliver the said bill and amendments of Council;

being returned, reported he had delivered them, according to order.

Mr. [Name] [Name], a member of Assembly, attending, was admitted

and delivered to the Chair a resolution debts; a resolution for the payment of Craghead, with a memorial of the said certificate, signed by Joseph Noarn, R sum due to the said George Craghead, which, by order, were severally read.

*Ordered*, That Mr. Snow wait on the the resolutions of that House respecting with the further amendments proposed and the proposition for filling up the blank the names of the commissioners therein

Who, being returned, reported he according to order.

Mr. James, a member of Assembly and delivered to the Chair the bill for r in the County of New Castle, with the and some amendments proposed by the those of Council, to which amendments agreed to. Sent to the Assembly by M

Mr. Gordon, a member of Assembly and returned the resolution of that Ho of this State, with amendments of C of Assembly, and a proposition for fil resolution with the names of the commi ments of Council the House of Assembl

Mr. Clark, a member of Assembly and delivered to the Chair a report of that there is due to James Wilson, Esq representing this State's claim of the scho Committee of Appeals appointed by C to William Clark, Esq., £1 : 3 : 11, for Speaker of the House of Assembly on 16th April, 1780, for £51 Continental r

Read and concurred in, and orde Speaker.

On motion, Council took into consi ported by the Auditor of the 27th Janu

proposed by the House of Assembly thereto, and agreed same, and the several accounts therein reported are agreed

ered, That Mr. Craghead wait on the House of Assembly the general accounts of the Auditor, and their amendments, and also deliver at the same time the Loan Office accounts of Kent and Sussex.

ourned to 10 o'clock to-morrow morning.

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SATURDAY, February 5th, A. M.

ncil met. Present the same members as on yesterday.

Nixon, a member of Assembly, attending, was admitted delivered to the Chair the Auditor's general account, the amendments proposed by that House thereto, and the amendments proposed by Council to the amendments of Assembly which were agreed to by that House.

several reports of the Auditor, and the resolutions of the of Assembly thereupon, were now considered and agreed

ered, That the Speaker sign the same; which was accordingly done.

ered, That Mr. Craghead wait on the House of Assembly to turn the above mentioned papers and the resolutions respecting the printing the Laws, as agreed to by Council;

o, being returned, reported that he had delivered the according to order.

Peery, a member of Assembly, attending, was admitted turned the papers last mentioned, sent to that House by Craghead, with the amendments proposed by Council to the resolution respecting the Clothier, which the House of Assembly agreed to.

*Ordered*, That Mr. Loockerman wait on the Assembly and return the above papers to the Speaker.

Who, being returned, reported he had done so according to order.

Mr. James, a member of Assembly, came forward and delivered to the Chair a resolution in the following words, viz:

IN THE HOUSE OF REPRESENTATIVES

On motion,

*Resolved*, That an order be drawn on the State Treasurer for the sum of \$100,000 to his Excellency, the President, for his services during his attendance on the General Assembly tofore.

JAS. BOON

Sent for concurrence.

Adjourned to 3 o'clock, P. M.

Council met. Present the same members as at the last meeting. In consideration of the resolutions of the House relating to the payment of sundry debts due from the State, several amendments were proposed and agreed to.

*Ordered*, That they be transcribed and printed for consideration and concurrence.

Mr. Mitchell, a member of Assembly, came forward and delivered to the Chair the several bills signed by the Speaker of Assembly.

*Ordered*, That the three laws returned by the Speaker; which was done.

*red*, That Mr. Joshua Polk wait on the House of Assembly to return the resolutions of that House respecting the payment of certain public debts, with the amendments of Council and the resolution of the House of Assembly for the report to his Excellency, the President, the sum of £50, which was agreed to by Council;

being returned, reported he had delivered the papers referred to his charge, according to order.

James, a member of Assembly, attending, was admitted, and returned the resolutions of that House with respect to the payment of certain public debts, and the amendments of Council, all of which were disagreed to, but the first.

Council proceeded to ballot for Trustees of the Loan Offices in the respective Counties in this State, in order to fill up the blanks in the bill for calling in and discharging the bills of exchange, and upon casting up the polls it appeared that the following persons were chosen by a majority of votes, viz: For the County of New Castle, John Stockton; for the County of George McCall; and for the County of Sussex, Joseph

*red*, That Mr. Craghead wait on the House of Assembly to return the resolutions of that House concerning the payment of public debts, with amendments of Council disagreed to by Assembly and adhered to by Council; also an agreement of Council to the two persons proposed by that House for Trustees of the Loan Offices of New Castle and Sussex Counties, the proposition of George McCall, for Trustee of the Loan Office of Kent County; as also the several laws now passed, together with a resolution for affixing the Great Seal to the said laws passed this sitting, the titles of which are as follows, viz:

“An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions for the Peace in this State;”

*dly*. “An act to increase the daily allowance to Grand Jurors and Witnesses;”

*lly*. “A supplement to an act entitled ‘An act for the speedy and speedy recovery of small debts;’”

*Fourthly.* "An act to enable the owners of a meadow, marsh and cripple, on Cedar Creek, in the County of New Castle, to raise a fund to keep the residue of the old bank gates in repair, and to raise a fund to repair the same of;"

*Fifthly.* "An act for the support of private soldiers, warrant officers, private soldiers, warrant officers and citizens of this State, who, in the course of the war, have been maimed, or disabled from getting a pension;"

*Sixthly.* "An act for calling in and redeeming Bills of Credit emitted by virtue of any law under the present or former government of this State, standing, and for other purposes therein contained;"

*Seventhly.* "An act for the regulation of the mills in New Castle County;"

*Eighthly.* "An act for the recovery of the late Militia law."

Also a verbal message, concerning the adherence of Council to their duty, which message follows in these words:

*Gentlemen:*

Council have adhered to their amendments before the honorable House, and herewith returned signed their reasons for the same, did this day, from the verbal message received thereon, are not disposed to sit until the reasons for the same be proposed and adhere to their amendments on paper.

Who, being returned, reported that the same was according to order.

Mr. Peery, a member of Assembly, returned the proposition of George Loan Office of Kent County, disagreeing with it, proposing Simon Wilmer Wilson.

On motion, an order was drawn on the

George Craghead, Esq., for the sum mentioned in the  
n of Assembly, concurred in by Council, and was signed  
peaker and sent to the House of Assembly by Mr. Crag-

ed, That Mr. Joshua Polk wait on the House of Assem-  
the proposition of Simon Wilmer Wilson for Trustee of  
loan Office for Kent County, which was acceded to by

being returned, reported that he had delivered the same  
g to order.

mith, a member of Assembly, attending, was admitted  
vered to the Chair the bill for calling in and destroying  
of Credit emitted by this State, signed by the Speaker  
house, and a warrant to affix the Great Seal to the several  
sed this sitting.

bill entitled "An act for calling in and destroying the  
Credit of this State," was compared and signed by the

ed, That Mr. Neill wait on the House of Assembly and  
the last mentioned papers.

Speaker of the House of Assembly delivered to the  
of Council notice of the adjournment of the House of  
y to the 16th day of May next.

il therefore adjourned to the said 16th day of May next.





# RES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

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ADJOURNED SESSION, MAY, 1785.

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MONDAY, May 16th, 1785.

cient number of the members not having met to form  
n on that day, they adjourned from day to day until  
the 24th of the same month, when there appeared as

*New Castle County*—Thomas McDonough, Speaker, Geo.  
l.

*Kent County*—Richard Bassett, Vincent Loockerman, Silas

*Sussex County*—William Polk, Joshua Polk.

aghead laid on the table a memorial, signed by James  
of the borough of Wilmington, in the County of New  
rinter, which, on motion, by order, was read; and set  
t he had frequently done printing business for the Gen-  
embly; that great part of the amount thereof was still  
nd desiring immediate payment of the same; and it is  
urther set forth that he is desirous of undertaking the  
the laws of this State, lately resolved by the General  
y to be revised and printed; and that he will perform the  
as reasonable terms as any other person whatsoever.

ed to lie on the table.

ned to ten o'clock to-morrow morning.

**WEDN**

Council met. Present the same members  
**Mr. Bassett.**

Adjourned to 10 o'clock to-morrow

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**THUR**

Council met. Present the same members

Adjourned to three o'clock this afternoon

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Council met. Present the same members

On motion, that agreeable to the resolution of the Government, it was necessary to remove from the Privy Council, last appointed by the Government, that one may be chosen to fill up the vacancy, which being seconded, Council determined to determine which of those two last appointed, and, upon reading the polls, it appeared that the person was unanimously removed, and the person to supply the vacancy is referred until the next meeting.

Adjourned until 10 o'clock to-morrow

FRIDAY, May 27th, A. M.

ncil met. Present the same members, and Mr. Henry who appeared, was excused for his absence, and took his

eeable to the order of the day, Council proceeded to put in  
ation persons to fill the vacancy of a Privy Councillor, and  
owing gentlemen were put in nomination, viz :

Mr. Craghead—Capt. James Black, Capt. John Garratt.

Mr. Loockerman—Alexander Porter.

Mr. Bassett—James Sykes;

at in the afternoon Council will proceed to ballot from the  
nominations.

Speaker laid on the table a petition, signed by Benjamin  
ns, owner of a grist-mill, at Noxonton, in New Castle  
y, complaining of the great hardship and inconvenience of  
ng called upon to support and repair a bridge, on the upper  
om New Castle to Dover, at the head of said mill-pond,  
ne thinks ought to be maintained by the public, as a bridge  
be equally necessary were there no mill at the place afore-  
nd praying relief in the premises, from the Legislature of  
ate, which, together with certificates signed by a number  
spectable inhabitants of New Castle County, setting forth  
e prayer of the petitioner is, in their opinion, reasonable,  
at he ought not to be burdened with any expense rela-  
the said bridge, more than any other taxable of the said  
; which, on motion, by order, were read.

ered to lie on the table.

urned to 3 o'clock this afternoon.

Council met. Present the same members. A ballot for a Privy Councillor, agreeable to the order of the day, at noon, and the votes having been received and polled, it appeared that Major James had the majority of votes, and he is declared councillor in the room of John Lea.

Adjourned to 10 o'clock to-morrow morning.

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#### SATURDAY

Council met. Present the same members and Mr. Joshua Polk.

Mr. Nixon, a member of the House of Representatives, was admitted and delivered to the Chair. The Council appointing Mr. Kollock one of the commissioners on the subject matter of the disputed amendment to the bill entitled "An act for establishing a Militia." Mr. Peery, who is absent; also a messenger accompanied with sundry resolutions on the subject, which, by order, were severally read.

Mr. Douglass, a member of the House of Representatives, was admitted and delivered to the Chair. The Council appointing a Militia, with the act for establishing a Militia, with the act for establishing a Militia, and the report of the Council thereon; which report, by order, was read.

Mr. Neill desired leave of absence during the absence of a vessel ready to sail, on board of which he was going to sea; which is granted.

Mr. Bassett desired leave of absence during the absence of a vessel ready to sail, on board of which he was going to sea; which is granted.

Adjourned to Monday morning, 10 o'clock.

MONDAY, May 30th, P. M.

cil met. Present the same members as on Saturday, Mr. Bassett, Mr. Neill, and Mr. Snow.

motion, ordered,

the report of the committee of conference on the subject of the bill entitled "An act for establishing a Militia," be read, which being done accordingly, and the question put, "Council agree to the said report?" it passed in the affirma-

tion of Mr. Loockerman, that the yeas and nays on the question should be entered, it is ordered accordingly.

*the affirmative*—Mr. William Polk, Mr. Craghead, Mr. Polk.

*the negative*—Mr. Loockerman.

*ordered*, That Mr. William Polk wait on the House of Assembly and deliver the last mentioned bill, with the report of the committee of conference, to which Council had agreed;

being returned, reported he had delivered them accordingly.

Mitchell, a member of the House of Assembly, attending, submitted and delivered to the Chair a supplementary bill to the act for regulating the wharves, &c., at Wilmington, accompanied by a petition from sundry inhabitants of said borough; which, by order, were read.

*ordered* to lie on the table.

William Polk laid on the table a bill entitled "An act to amend an act entitled 'An act directing the punishment of petty larceny, and for other purposes therein mentioned;'" which, by order, was read.

motion, by order,

The bill for regulating the wharves, p  
Borough of Wilmington, was read a sec

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow m

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## TUES

Council met. Present the same mem

On motion,

The bill entitled "A supplement to th  
the better regulating the wharves, public  
walls and partition fences in the Boroug  
County of New Castle, upon Delaware, a  
the inhabitants of the said borough for t  
thereof,' " was read, by paragraphs, and  
erally put on each paragraph, they wer  
and the bill will pass.

*Ordered,* That Mr. Snow wait on the  
the last mentioned bill and deliver the sa  
accompanied it, to that House;

Who, being returned, reported tha  
papers committed to him, according to c

On motion,

The bill entitled "An act to repeal  
directing the punishment of petty larceny  
therein mentioned,' " was read a second

Ordered to lie on the table.

Adjourned to 3 o'clock this afternoon.

## EODEM DIE, P. M.

il met. Present the same members.

otion,

bill entitled "An act to repeal an act entitled 'An act di-  
the punishment of petty larceny, and for other purposes  
mentioned,' " was read by paragraphs, and the questions  
everally put, was agreed to by Council, and the bill will

red, That Mr. Joshua Polk wait on the House of Assem-  
the said bill for concurrence, and also at the same time  
to that House the petition of Benjamin Williams concern-  
bridge over the head of his mill pond;

being returned, reported he had delivered the papers  
ed to his charge, according to order.

urned to 10 o'clock to-morrow morning.

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WEDNESDAY, June 1st, A. M.

il met. Present the same members as yesterday.

ixion, a member of Assembly, attending, was admitted  
vered to the Chair a bill entitled "An act for raising  
for the service of the year 1785."

otion, by order, the said bill was read the first time.

ouglass, a member of Assembly, attending, was admitted  
vered to the Chair the bill for repealing the act directing  
ishment of petty larceny, &c., to which the House of  
y had agreed.

red that the said bill be engrossed.

urned to 3 o'clock this afternoon.

Council met. Present the same men

The last mentioned bill, being engros

*Ordered*, That the same be signed b  
done accordingly.

Mr. Broom, a member of the Hous  
was admitted and delivered to the C  
mittee appointed by the General Ass  
1783, to settle and adjust the accounts  
County so far as related to the estate  
dec'd, signed by Thomas Collins, Joh  
dated April 19th, 1784, with the additi  
counts to that committee at the time o  
which, being read and considered by  
of the Auditor of Accounts is concurre

*Ordered*, That Mr. Craghead wait o  
and deliver the said report, concurred i

Who, being returned, reported he  
according to order.

Mr. William Polk laid on the table  
inhabitants of Sussex County, who r  
great inconvenience from a road line t  
in Cedar Creek Hundred, and praying  
General Assembly to permit the petit  
said road, to prevent the inconvenience

On motion, by order, the said petitio

On motion, by order,

The bill entitled "An act for raising  
of the year 1785, was read the second t

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[The remainder of the Journal of the



ng. As shown by the proceedings of the House of Assembly, both houses adjourned on the 6th of June until the 30th September. A session of the General Assembly was convened on the twentieth day of October, 1785, and continued until the day of November, when an adjournment took place until the day of January, 1786. The following papers belong to the period]:

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sent to the Council, Friday, June 3d, 1785, by the House of Assembly, resolution for the payment of £135 : 5s. to the representatives of Thomas deceased :

Auditor of Accounts, having examined the papers accompanying the petition of Thomas Stroud to the General Assembly, were referred to him, begs leave to report: That it appears a vessel belonging to the petitioner was taken or hired by the President of the State to receive on board the papers of the Continental Loan Office of this State and the records of New Castle County, together with some valuable private property, in order to preserve them from falling into the hands of the enemy, on their march from the Head of Elk to Philadelphia; that the vessel, with the above mentioned papers, records, and property on board, lying under the guns of the fort near Wilmington, was taken by the enemy on the morning of the 13th of September, 1777, and received so much damage while in their possession that it cost the petitioner upwards of one hundred and one pounds ten shillings to repair her, which, together with 15 charged for five days' hire, amounts to the sum of two hundred and six pounds twelve shillings and ten pence, for which the petitioner desires to be reimbursed by the State.

The Auditor has taken some pains to obtain information relative to this business, but has not succeeded to his satisfaction. He therefore prays to be excused from hazarding his opinion, and to refer the case of the widow (the petitioner lately departed this life) to the wisdom of the Legislature. In closing he will venture to mention, that as the vessel in question is taken up as well for the purpose of preserving the papers of the Loan Office as the records of New Castle County, the allowance, if any is made, ought, in his opinion, to be paid and equally between this State and the United States.

3d, 1785.

E. McCOMB, *Auditor of Accounts.*

Message from the Council received in the House

*Gentlemen :*

The Council received the last evening the bill proposed by them to the bill entitled "An act to amend the public marts or fairs," some of which are rejected by your honorable House, and have amendments, still retain the highest sense on account of their tendency to shorten the propriety of expression; therefore the honorable House to reconsider the proposed amendments. The House cannot consider the same in the light they conceive the bill necessary and useful. Both Houses, we presume, the same, rather lost, will recede from their proposed amendments.

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List of engrossed bills, to which the Great Seal was affixed, in resolution of the House of Assembly, and sent to the Governor, June 4, 1785:

"An act for raising ten thousand five hundred pounds for the service of the year one thousand seven hundred and eighty-five."

"A supplement to the act entitled 'An act to amend the wharfs, public streets, buildings, and fences, in the Borough of Wilmington, New Castle, upon Delaware, and for raising money for the benefit of the inhabitants of the said borough, for the year one thousand seven hundred and eighty-five;'"

"An act to prevent the issuing the writ of *habeas corpus*, in certain cases;"

"An act to enable Joseph Oliver, of the County of New Castle, his heirs, executors, or administrators, to erect a bridge over the Delaware River, near Lion Creek;"

"An act to repeal an act entitled 'An act to amend the punishment of petit-larceny, and for other purposes;'"

"An act for the suppression of public gaming;"

"An act for establishing a Militia."

Messages from his Excellency Nicholas Vandyke, President :

*men of the General Assembly :*

Secretary will lay before you sundry acts of Congress, have received subsequent to the adjournment of the late Assembly.

requisition of Congress for this State's computed quota of million dollars, demanded from the United States, is an which, from its importance, requires your earliest attention. The purposes to which this sum is to be applied, and the of the demand, are clearly specified in the requisition; must it will be unnecessary to urge any arguments in favor of complying with a measure, the obvious consequence of which is the establishment of foreign and domestic credit.

I leave to call your attention to an act of Congress, of the April, 1784, recommending to the States to vest the United States in Congress assembled, with powers competent to the regulation of commerce, the situation of which claims the attention of the several States, and few objects of greater importance present themselves to their notice. Without investing the United States with such powers, we can never obtain reciprocal advantages in trade, or restrain such foreign commerce as may not be founded upon principles of equality.

It will appear, from many of the papers now laid before you, that Congress urge in the strongest manner, and with the most powerful reasons, the importance and necessity of a constant representation of the different States, and that each State should be represented, at all times when Congress are sitting, by three members. The dignity and interest of this State, as well as of the Union, are materially concerned in a constant and full representation, and I hope your Honors will take this matter into your consideration.

I must also recommend your attention to the other papers presented, a compliance with which will tend to promote federal friendship and prosperity.

NICHOLAS VANDYKE.

October 27, 1785.

*Gentlemen of the General Assembly:*

I have this day received, and directed the Secretary, a letter from the Secretary dated the 10th instant, accompanied by the Regency of Algiers have declared war on the United States of America; and also two other letters from the Congress, and the other from the first of these is accompanied by an act of the Congress, by which the several States are required to complete, without delay, the whole of the accounts of September, 1782, and April, 1781, and the accounts of the balances due on the 30th of October, 1781, and the 4th of October, 1782.

The General Assembly will hereby be enabled to make the exertions are necessary to be made, for the important purpose of effectual support of the domestic credit; an object which, from the consideration to all the States in the Union, I recommend to the consideration.

NICOLSON

Dover, October 28, 1785.

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Minutes of a meeting of both Houses of the Council, October 4, 1785:

The Council and House of Assembly, on the 4th instant, agreeable to the order of the day, proceeded by ballot, to the election of Delegates to the Congress of the United States of America, to be held in November in the year one thousand seven hundred and eighty-six, and the box containing the ballots was opened by the Speakers of both Houses, in the presence of the Honorable Gunning Bedford, Junior, John Thomas Rodney, and William Peery, who were elected.

# MINUTES OF COUNCIL.

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1786.



# MINUTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

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A manuscript of the Minutes of the Council for the session ending January 3, and ending February 3, 1786, is not in the archives. From the printed Journal of the House of Representatives it is found that the session was adjourned to the 23d of January. The following is a list of the acts passed during the December and January sessions]:

An act for the more effectual preservation of all such ships and other vessels, and the goods thereof, as shall be forced ashore or stranded upon the coasts of this State, and for other purposes therein mentioned;''

An act to supply the defect occasioned by the loss of articles of agreement made between John Brinkle, late of Kent County, since deceased, and James Partridge, of New Castle County, for the exchange of their lands, &c., in the two counties aforesaid;''

An act to enable the present Trustee of the Loan Office in New Castle County to convey unto Joseph Dickinson, of the County, his heirs and assigns, a certain tract or parcel of land purchased by the said Joseph of the late Trustees of the Loan Office;''

An act for the recovery of the sum of one thousand five hundred and fifty-three pounds eighteen shillings and six pence, due from the estate of John Vining, Esquire, deceased, formerly one of the Trustees of the Loan Office for the County of Kent;''

An act for the appointment of rangers and regulation of

6. "An act to enable the owners of meadow, marsh and cripple, situated in the Hundred and County of New Castle, to repair canals, sluices and flood-gates in repair."

7. "An act for devising and establishing a system of by divers officers in the respective Counties."

8. "An act to incorporate the President and Company of the Bank of North America;"

9. "An act to invest the United States with powers for the regulation of commerce for fifteen years;"

10. "An act for continuing the power of the President and Company of the Bank of North America;"

11. "An act to establish certain free schools in the State and for the encouragement of commerce."

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## MEMBERS' NAMES

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### FOR NEW CASTLE

THOMAS McDONOUGH, GEORGE CRANE

### FOR KENT COUNTY

SILAS SNOW, JAMES TILTON

### FOR SUSSEX COUNTY

JOSHUA POLK, HENRY NEILSON

STEPHEN STONE



VOTES AND PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL,

HELD AT DOVER, MAY 29TH, A. D. 1786.

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ufficient number of members to compose a House not  
ng, the Council adjourned from day to day until Friday,  
ond day of June, 1786.

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FRIDAY, 2d June, 1786, A. M.

following members appeared in Council, viz :

*New Castle County*—Thomas McDonough, George Crag-

*Kent County*—Silas Snow, James Tilton, John Baning.

the said members being so met, it appearing that the  
of the Council, James Sykes, Esq., from his indisposition,  
able to attend at this time, the Council proceeded to the  
of a Clerk *pro tempore*, and Stephen Sykes was unani-  
chosen.

hen Sykes appeared in the Council, took the oath and sub-  
the declaration prescribed by the twenty-second article  
Constitution of this State, and also took the oath of office  
k of the Council. [*See note on page 11.*]

Craghead presented to the Chair a petition, signed by a  
r of the inhabitants of New Castle County, members of  
sbyterian congregation in Mill Creek Hundred, where the

Reverend Mr. John McCreary officiated in a bill to incorporate the said congregation signed by the members of the Presbytery of Christiana, in White Clay Creek Hundred, New Castle, praying leave to bring in a bill of the said congregation.

On motion, ordered that the same be read accordingly.

On motion, ordered that the said committee of two, to report thereon, be Mr. Tilton.

Adjourned to 3 o'clock.

---

Council met according to adjournment.

Mr. Speaker laid on the table a letter from the Chairman of Congress, containing a report concerning the system of general revenue.

On motion, by order, the said letter be read report of the committee.

Mr. Craghead presented to the Council a petition of the inhabitants of New Castle County, praying for a mode of making and repairing the public roads, and relieving the poor of the said county into a fund.

On motion, by order, the said petition be read.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow.

SATURDAY, A. M., June 3, 1786.

cil met. Present the same members as on yesterday.

committee to whom were referred the petitions of divers  
nts of New Castle County, members of the Presbyterian  
s of White Clay Creek and of Mill Creek Hundreds,  
leave to bring in a bill to incorporate the said congrega-  
ow brought in their report; which was read, and follows  
words:\*

otion, ordered,

Mr. Baning, Mr. Tilton, and Mr. Snow are appointed a  
tee to bring in a bill for granting a general charter of in-  
tion to all the churches and religious societies of every  
n denomination, agreeable to the recommendation of the  
tee in their report upon the petitions of the members of  
churches, &c.

urned to Monday next at 10 o'clock in the morning.

---

MONDAY, June 5th, A. M.

cil met pursuant to adjournment.

oshua Polk appeared in Council and took his seat.

otion, by order,

bill entitled "An act for laying a rate or duty on certain  
nd lowering the salaries of the Justices of the Courts of  
n Pleas and Orphans' Courts, and for other purposes,"  
d.

urned to 3 o'clock.

---

report does not appear on the record.

Council met according to adjournment.

The committee appointed to prepare more equal assessment of the property of the State, as also of the property in the hands of any other State, now laid on the table.

Ordered to lie on the table.

On motion, by order,

The bill entitled "An act for the better management," was read a second time and ordered to lie on the table.

*Ordered,* That Mr. Craghead wait until the next meeting of the Council and return the bill entitled "An act for the better management of the Government," and inform them that the bill is ordered to lie on the table.

On motion, by order,

The bill for laying a rate or duty on the property of the State, was read a second time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow.

---

## TUESDAY MORNING

Council met pursuant to adjournment.

Mr. Read appeared in Council and took the oath of office.

On motion, by order,

The bill entitled "An act for the better management of the Government," was read a second time.

within this State, and for other purposes therein mentioned, was read a second time.

ordered to lie on the table.

Craghead, having returned, reported that he had delivered to the Speaker of the House of Assembly the bill entitled "An act for the further security of Government."

motion,

Resolved, That Council will go into a third reading of the bill "An act for laying a rate or duty, &c.," to-morrow morning.

returned to 3 o'clock.

---

EODEM DIE, P. M.

Council met according to adjournment.

House now went into the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," and some time spent therein it was committed to Mr. Read, Mr. Polk, and Mr. Polk, to report thereon.

returned to 10 o'clock to-morrow morning.

---

WEDNESDAY, June 7th, 1786, A. M.

Council met according to adjournment.

Patten, a member of the House of Assembly, attending, presented and delivered to the Chair the following papers, a supplementary bill to the act vesting Congress with power to levy duties, &c.; letter from the Chairman of Con-

gress, recommending a revision of the constitution from Joseph Tatlow to the General Assembly; a memorial of Richard Bassett upon the petition of Joseph Tatlow and Richard Bassett; Auditor's report upon the financial statement of Joseph Tatlow, and the depositions of Samuel H. Bassett with a certificate of Thomas Carrell, District Attorney, another of General Mifflin, Quartermaster General, papers were severally read.

Council resumed the consideration of the bill for the more equal assessment of property for other purposes therein mentioned, and therein, resolved that Council will go to the consideration of said bill on the day after to-morrow, in

Adjourned to 3 o'clock.

---

Council met according to adjournment.

Council now went into the consideration of "An act for the laying a rate or duty on property and after some time spent therein, it was adjourned to the consideration.

The committee appointed to bring in a general charter of incorporation to all religious denominations, now laid on the table. The Christian denomination, now laid on the table, read.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow.

---

THURSDAY

Council met and adjourned to 3 o'clock.

## EODEM DIE, P. M.

cil met pursuant to adjournment.

committee to whom was committed the bill entitled "An raising twenty-one thousand pounds for the service of the e thousand seven hundred and eighty-six," now informed that they had made some progress in that business, but t been able to finish the same, and desired a longer time; was granted.

tion from divers of the inhabitants of New Castle County, an alteration in the law for maintaining public roads, was ed to the Chair and read.

red to lie on the table.

cil now resumed the consideration of the bill entitled "An laying a rate or duty on certain offices, &c.," and after me spent therein, the same was again deferred for further ration.

urned to 10 o'clock to-morrow morning.

---

FRIDAY, June 9th, 1786.

cil met according to adjournment.

cil, agreeable to the order of Wednesday, went into the consideration of the bill entitled "An act for the more assessment of property within this State, and for other es therein mentioned," and after some time spent therein, further consideration was deferred until this afternoon.

urned to 3 o'clock.

Council met. Present the same men

On motion, the memorial of Richard  
tion of the House of Assembly thereon  
and thereupon the Council concurred in  
of Assembly that the General Assembly  
should proceed to the appointment of  
Court of Appeals for this State, agreea  
the Constitution, but

*Resolved*, That such appointment, o  
be postponed until the bill proposed by  
in their resolutions aforesaid, for ascerta  
said Judges, &c., shall have been acted

*Ordered*, That the foregoing be tra  
House of Assembly.

STP

*Ordered*, That Mr. Tilton wait upon  
with the foregoing motion and resolution

Who, being returned, reported he  
the Speaker of that House, the House  
journeyed for that day.

On motion, Council now resumed  
bill entitled "An act for the more equ  
within this State, and for other purpose  
after some time spent therein the sam  
gentlemen on the first committee, to v  
Read and Craghead.

Adjourned to 10 o'clock to-morrow



SATURDAY, June 10th, 1786, A. M.

cil met according to adjournment.

motion, by order,

bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations," was read a second time, and the same was recommitted to the gentlemen on the first committee, which Mr. Read was added.

turned to 3 o'clock.

---

EODEM DIE, P. M.

cil met pursuant to adjournment, and adjourned to 10 o'clock on Monday morning.

---

MONDAY, June 12th, 1786, A. M.

cil met according to adjournment. Present the same members.

committee to whom was committed the bill entitled "An act for raising twenty-one thousand pounds for the service of the State," now reported amendments, which were read.

turned to 3 o'clock.

.

Council met according to adjournment

The Council now proceeded in the  
entitled "An act for raising twenty-one  
service of the year 1786," with the sev  
thereto, and after making considerable  
was deferred to further consideration.

Adjourned to 10 o'clock to-morrow

---

TUESDAY,

Council met pursuant to adjournment  
bers.

Council now went into the consid  
"An act for raising twenty-one thousa  
of the year one thousand seven hund  
the amendments proposed thereto by  
to report thereon, and upon debating  
which is as follows:

But whereas it is just and reasonab  
charge of such of the certificates to be  
well on all Continental Loan Office c  
office in this State, as on liquidated d  
due to the inhabitants of this State, v  
received from the taxables by any of  
it therefore enacted that the State Trea  
and required, so often as he shall hav  
under this act, where the proportion  
of the amount of the interest certific  
without fee or reward therefor, any suc  
may be brought to him for that pur  
thereof, in specie, to the bearer, from

.

and that the holders of such interest certificates may have when to attend the State Treasurer for this purpose, he may also be authorized and required, at the expense of the State, to give public notice, by advertisement, to be inserted in the Delaware Gazette, when and where such holder may attend exchange as aforesaid.

On the question to agree to the same, the yeas and nays required by Mr. Read, and are as follows:

—Mr. Craghead, Mr. Read, Mr. J. Polk, Mr. Snow, and Messrs. Tilton.

—Mr. Tilton.

So the 46th amendment, which is as follows: And to the effect that the taxables, within this State, who may hold any certificates of liquidated debts of the United States, and that all holders of Loan Office certificates issued from the Office in this State may obtain certificates for all the interest due thereon, to the day of the year 1784, in a reasonable time after the passing of this act, for the purpose of discharging the two-thirds of their tax therewith, or otherwise obtaining the exchange of the same to be made as aforesaid; and the General Assembly of this State, considering the provisions in this act as a compliance with the first hereinbefore recited requisitions of Congress, be it enacted, that if the Commissioner of the Continental Loan Office of this State shall refuse or neglect to settle and certify the interest due on any of the certificates aforesaid, to the day of the year 1784, upon reasonable application to him at any time after one month from the passing of this act, he shall and may be lawful for the President or Commander-in-Chief, for the time being, and he is hereby authorized and empowered, upon any and every complaint to him made, and supported by an oath or affirmation of the party, or any credible person of such refusal or neglect in the Commissioner of the Continental Loan Office aforesaid, forthwith to summons the Council, notifying the Commissioner and the party complained of to attend the meeting thereof, and then proceed into the inquiry of the facts of refusal or neglect aforesaid, and if the same shall be made clearly to appear, to the satisfaction of the President or Commander-in-Chief, the President is hereby authorized and empowered to issue his proclamation declaring a suspension of the payment of taxes, directed to be made by this act, until such

cause of complaint, as aforesaid, shall be so often as the President and Privy Council, on the satisfactory evidence that it shall be so do advise of the Privy Council, is hereby required to take off such suspension and the taxes aforesaid by other proclamations issued, anything herein before contained to the contrary notwithstanding.

And on the question to agree to the same were required by Mr. Read, and are agreed.

*Yeas*—Mr. Craghead, Mr. Read, Mr. Baning.

*Nays*—Mr. Tilton and Mr. Baning.

So it passed in the affirmative.

Adjourned to 3 o'clock.

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Council met and proceeded in the consideration of the bill entitled "An act for raising twenty-one thousand pounds in service of the year A. D. 1786," with amendments thereto, and having made considerable progress therein, adjourned to 10 o'clock to-morrow morning.

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#### WEDNESDAY

Council met according to adjournment.

Mr. Daniel Polk appeared in Council.

The Council now went into the consideration of the several amendments proposed to the bill for raising twenty-one thousand pounds in service of the year one thousand seven hundred and eighty-six. After some time spent therein, the amendments were

red, That the same be transcribed and sent to the House  
nly for their concurrence.

aid amendments being transcribed and compared,

red, That Mr. Craghead wait upon the House of Assem-  
the said bill entitled "An act for raising twenty-one  
pounds, &c.," with the amendments proposed thereto  
cil;

being returned, reported the delivery thereof according

otion, by order,

supplementary bill to the act vesting Congress with power  
duties, &c., was read a second time.

McLane, a member of the House of Assembly, attend-  
admitted and delivered to the Chair a bundle of papers  
g the proceedings of the House of Assembly upon the  
of John McKinly, Esquire, with the said accounts and  
relative thereto.

red, That Mr. Snow wait upon the House of Assembly  
urn the supplementary bill to the act vesting Congress  
wer to levy duties, &c., with a paper of amendments  
d thereto, and a letter from the Chairman of Congress,  
ending a revision of the impost law;

being returned, reported he had delivered the same ac-  
to order.

urned to 3 o'clock.

---

EODEM DIE, P. M.

il met.

otion, by order, the accounts of John McKinly, Esquire,  
papers relative thereto, were read.

ed to lie on the table.

urned to 10 o'clock to-morrow morning.

THURSDAY, 1

Council met according to adjournment of members as on yesterday.

On motion, by order,

The accounts of John McKinly, Esquire, relative thereto, were read a second time.

Adjourned to 3 o'clock, P. M.

---

Council met, and in the consideration of the House of Assembly respecting the accounts of John McKinly, several amendments were proposed.

*Ordered*, That the said amendments be referred to the House of Assembly for their consideration.

The said amendments being transcribed.

*Ordered*, That Mr. Joshua Polk wait on the House of Assembly respecting the amendments aforesaid proposed by Council, together with the said accounts of John McKinly, Esq., together with the said amendments relative thereto;

Who, being returned, reported the doings of the Council to order.

Mr. Nixon, a member of the House of Assembly, was admitted and delivered to the Council the following bills: viz: A bill for printing and emitting two hundred thousand dollars in Bills of Credit, to be let out on loan, sinking the same; a message to the Council from the House of Assembly respecting the said bill; three

the distresses occasioned by the scarcity of money; report committee upon the papers accompanying the President's message of the 9th instant; resolutions appointing commissioners; paper having the names of the commissioners proposed to commissioners from the other States, &c, with a message from the President, with a bundle of papers;

in the course of the reading the said papers, Council took into consideration the resolution of the House of Assembly appointing commissioners to meet commissioners, &c., and their nomination of persons to fill up the blank in said resolution, and a resolution proposing the persons for the purpose aforesaid as rejected.

adjourned to 10 o'clock to-morrow morning.

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FRIDAY, June 16th, 1786, A. M.

Council met.

On motion, by order, the message from the House of Assembly to the Council respecting the bill for printing and emitting one thousand pounds in Bills of Credit, to be let out on interest and providing a fund for sinking the same, and the aforesaid bill, and also three petitions, praying relief from the distresses occasioned by the scarcity of money, were read.

Council, upon considering the aforesaid bill for emitting twenty thousand pounds in Bills of Credit, &c., do reject the

Mr. Tilton, Mr. Snow, and Mr. D. Polk are appointed a committee to prepare an answer to the message from the House of Assembly, in which answer the reasons inducing Council to reject the said bill are to be expressed.

Council took into consideration the resolutions transmitted yesterday respecting the appointment of commissioners, &c., several amendments were proposed thereto and agreed to.

*Ordered,* That the same be transcribed of Assembly for their consideration, together with the verbal message:

*Gentlemen :*

Your resolve of yesterday, proposing that the names of the commissioners, to be inserted in the resolution to the intended meeting at Annapolis, for the purpose of the United States and forming a system of regulations for the adoption of all the States in the next session, returned to you as rejected by Council, the rules laid down by the General Assembly in the session of February, 1777, and regular appointments to offices of public trust and honor, at that time, such appointments have been made by the Council, then adopted respecting the choice of members of the Delegates to Congress, and the Continuation of the meeting by the two Houses meeting together for the purpose of choosing a number of persons for the consideration of their fitness for the service to be performed by ballot. These rules of nomination and election, I conceive it right and incumbent on the Council to conceive with respect to the commissioners to be appointed for their names in the resolution aforesaid, and the nominations to be made of civil officers, common to be appointed in the present session, as the session will probably be short, the Council of the House of Assembly that a meeting be called by the Council, both Houses, in the Council Room, at the same time, for the purpose of general nomination and election.

*Ordered,* That Mr. Craghead wait upon the Council with the resolutions of that House of Assembly, for the appointment of commissioners, with the severals of the same thereto by Council, as also with the address of the Council to that House.

Adjourned to 3 o'clock.



EODEM DIE, P. M.

Council met.

Craghead, being returned, reported the delivery of the mentioned message from Council to the House of Assembly according to order.

McLane, a member of the House of Assembly, attended and returned to the Chair the following message: The resolutions of the Assembly appointing commissioners, &c.; the verbal message sent this morning from the Council to the House of Assembly; the paper of amendments proposed by the Council to the said resolutions of the House of Assembly, with a paper of amendments proposed by the House of Assembly to the said amendments of Council, with the following verbal message to the Council:

Message :

The House of Assembly having taken into consideration your message delivered this afternoon, respecting the mode of creating and appointing commissioners to form, with the commissioners from the other States in the Union, a convention for the purpose of framing and reporting a system of commercial regulations, &c., do concur in the mode proposed; and will meet for that purpose, at the time and place therein mentioned.

The amendments proposed by the House of Assembly to those of Council, as also the verbal message from the House of Assembly, were read, and the amendments of the House of Assembly to those of Council were acceded to.

The Council and the House of Assembly met in the Council Chamber for the purpose of electing Commissioners, agreeable to the appointment of both Houses, and the ballots being taken and examined, George Read, Jacob Broom, John Dickinson, Ward Bassett and Gunning Bedford, Esquires, were declared duly elected commissioners to meet commissioners from the other States in the Union, for forming a system of commercial regulations; and William Killen, Gunning Bedford and John Jones, Gentlemen, Mr. Robert Armstrong and Eleazar McComb, Esq., were declared duly elected commissioners to meet commissioners

from the States of Pennsylvania and Maryland of digesting measures for effecting a navigation between the Bays of Chesapeake and other purposes mentioned in the resolution.

[A page of the journal here is blank, thus left for the purpose of recording an omnibus resolution for the afternoon's and Saturday morning's proceedings.]

*Ordered*, That Mr. Snow return to the House the following papers: The resolution of the commissioners from this State to meet with the commissioners from the other States, with the amendments proposed by them, as also a paper of amendments proposed by them to those of the Council, to which Council a verbal message from Council to the House was returned to this House yesterday, relative to the subject of commercial regulation, and a letter from Smallwood, Esq., accompanying the resolution.

Who, being returned, reported the decision of the Council to order.

The committee appointed to prepare a report of the Council in answer to a message received from the Assembly on the subject of the bill for printing a thousand pounds, &c., in which first reasons and principles upon which Council were to be expressed, now laid one on the table.

On motion, by special order, the same was read a second time.

Adjourned to 3 o'clock.

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Council met. Present all the members except Polk and Henry Neill.

the amendments being proposed to the message from Council to the House of Assembly in answer to their message of yesterday, and agreed to,

*Resolved*, That the same be transcribed and sent to the House of Assembly.

*Resolved*, That Mr. Polk wait upon the House of Assembly and deliver the following verbal message:

That the President's Message of the ninth instant, accompanied with Secretary Thompson's letter of the first of April last, has been received. A copy of the Journal of Congress. The Council wish to have a view of them for information relative to some business under their consideration."

Mr. Polk, being returned, reported the delivery thereof accordingly.

Mr. Garrett, a member of the House of Assembly, attending, delivered the following verbal message, which was read, and follows:

*Resolved*:

That the House of Assembly propose to your honorable House, that when both Houses meet, at six o'clock this evening, in the Council Chamber, for the purpose of putting into nomination persons, of whom one shall be elected by ballot, to fill the vacancy occasioned by the death of Richard Lockwood, Esq., one of the Justices of the Court of Common Pleas and Orphans' Court for the County of Kent.

That it appears to this House, that the accounts exhibited on behalf of this State against the United States, cannot be adjusted for want of vouchers produced to authenticate, support, and explain said accounts; and the Commissioner heretofore appointed for this State for that purpose, conceiving that he hath completed the duties of his appointment, hath declined taking any further business on this subject. In order, therefore, to effectuate a speedy completion of that business, this House propose to meet in Council at the time and place above mentioned, for the nomination of persons for the purpose of electing thereout a Commissioner to procure sufficient, or the best attainable vouchers, to set right the accounts of this State against the United States, and

for transacting, with the Commissioner of the Land Office, all the necessary business relative to this.

*Ordered*, That Dr. Tilton wait upon the Council with the bill for printing and emitting paper money, in pounds, &c., with the three petitions, presented to the Council, on the subject of the paper money, on the distresses occasioned by the scarcity of money, and the petition from Council to the House of Assembly, on the subject of the bill from that House respecting the said bill, and the petition relating to the same, &c.;

Who, being returned, reported the same to the Council, and to order.

#### A MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY IN ANSWER TO THEIR MESSAGE OF THE 10TH INSTANT.

*Gentlemen :*

We have considered the bill for emitting paper money, for suspending executions for a limited period, and for an impartial and candid examination of it,

We will not take up your present time with the arguments, but will mention concisely the principal reasons which have influenced the Council, and which they will be satisfactory.

We know that previous to the Revolution, the circumstances gave an advantageous currency, but since that period all experience has shown that nothing short of a bank, or fund, at which the money is changed, at pleasure, for hard money, will prevent depreciation.

A paper currency, issued upon the principles of the honorable House, would not pass in the United States, nor in Continental use, nor, in our apprehension, would it serve the purpose whatsoever anywhere without a guarantee, which frequently must fail to answer our most necessities. We are therefore of opinion that instead of a paper currency, the people, the measure proposed would injure the honest and worthy citizens, and depreciate the value of the same in the same proportion as the money itself.

The facilities to be issued from the C

state, agreeable to the Tax Bill now pending with the General Assembly, will answer most purposes of a circulating paper money. Being payable in Continental taxes, it will of course be a currency in most cases. An additional quantity of money, in the opinion of Council, would so far exceed the proportion of paper to hard money within the State, as to depreciate the facilities, and thereby deprive us of the only circulating paper we can, at this time, reasonably hope to establish.

Permit us, gentlemen, before we close our address, to suggest the opinion of the source of those distresses which you so feel-ly mention; and we hope you will be persuaded of our desire to occur with you in every measure of public utility, when we are pointed out to you the means of redressing these evils which we suffer from being in debt and involved one with an-

other kind of distress, we conceive, can only proceed from living beyond their income, or speculating indiscreetly in their neighbors' property, and but very rarely from inevitable misfortune.

A plain and obvious means of redress then will be a strict uniform course of justice, and we apprehend the Legislature will more effectually contribute to the end proposed than by a further limitation and restriction upon book debts, and a regulation as well in the form of the warrant of attorney, usually annexed to bonds given for payment of monies, as of the manner of proceeding thereon in the courts of justice, for that in the present form and use they have tended rather to create an artificial credit than otherwise.

THO. McDONOUGH.

#### VERBAL MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY.

Gentlemen:

The Council agree to the propositions contained in the verbal message from your honorable House of Saturday afternoon, to sit in the Council Chamber for the purpose of putting into execution persons as well to fill the vacant seat on the bench of the Common Pleas Court in the County of Kent, as also a Commissioner of the Public Accounts of this State against the United States.

The Council therefore propose the hour of seven, this afternoon for the purpose aforesaid.

Mr. Emmerson, a member of the House of Representatives, was admitted and delivered to the Council the Resolutions appointing Commissioners, and amendments proposed thereto by the Council, amendments and an additional amendment by

Adjourned to 10 o'clock on Monday

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MONDAY, J

Council met and adjourned to 3 o'clock

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Council met. Present the same members as at the last meeting. Mr. Polk.

Mr. Neill now appeared in Council and first informed Council that he was unable to attend on account of his indisposition; he is therefore

The Speaker having received the following resolution entitled "An act for raising twenty-one millions of dollars in service of the year one thousand seven hundred and eighty-eight" the paper of amendments proposed by the Council to many of which said amendments the Council disagree, with a paper of additional amendments from the House of Assembly to the aforesaid resolution, was read on the table.

The amendments proposed by Council to the said resolution those amendments proposed by the House of Assembly were read.

Adjourned to 10 o'clock to-morrow morning

TUESDAY, June 19th, 1786, A. M.

Council met according to adjournment, and went into the consideration of such of their amendments proposed to the bill entitled "An act for raising 21,000 pounds, &c.," as were disagreed by the House of Assembly, and after some time spent therein, the Council adjourned until three o'clock this afternoon.

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EODEM DIE, P. M.

Council met. Present the same members.

Motion, by order,

A verbal message proposed to be sent to the House of Assembly on Saturday last from Council, but was prevented by the adjournment of that House, be postponed until the passing of a bill for raising £21,000 for the service of the year 1786 by Council.

Council then proceeded to the further consideration of their amendments proposed to the said bill and rejected in part by the House of Assembly, together with the amendments proposed by the House of Assembly to said bill; and upon the question to pass the following amendment proposed to their 45th original amendment, viz:

"When and as soon as he shall have received, under this act, any greater sum in specie than five thousand six hundred and thirty pounds fifteen shillings, the one-third of the remaining part of the eight million of dollars aforesaid, he is hereby authorized and required to exchange, without fee or reward, any such interest certificates aforesaid that may be presented to him for that purpose, paying the amount thereof in full to the bearer out of any such overplus proportion, and at any time between the passing of this act and the 31st day of May next."

The yeas and nays were required by the President as follows, viz:

*Yeas*—Mr. Craghead, Mr. Read, Mr. Neill, Mr. D. Polk.

*Nays*—Mr. Tilton.

An amendment was proposed by Council as follows, viz:

“That in case of the refusal of the Continental Loan Office for this State to issue certificates due on Loan-Office certificates issued from 1862 and other liquidated debts of the United States to the inhabitants of this State, the President shall issue a summons for calling the General Assembly to take under their notice and determine the same neglect.”

The question being put, “Will the yeas and nays be required by Mr. Tilton?”

*Yeas*—Mr. Craghead, Mr. Read, Mr. Neill, Mr. D. Polk.

*Nays*—Mr. Snow, Mr. Tilton.

Adjourned to 10 o'clock to-morrow morning.

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WEDNESDAY, JANUARY 1, 1863.

Council met and adjourned to 3 o'clock to-morrow morning.



## EODEM DIE, P. M.

ncil met. Present the same members.

Shankland, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following, viz: A supplementary bill to the act for calling in and paying the Bills of Credit, &c.; a memorial of Simon W. ; which said papers were read.

Read, appointed yesterday to prepare a message to the of Assembly, now laid one on the table; which was read.

ourned until 10 o'clock to-morrow morning.

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THURSDAY, June 22d, 1786, A. M.

ncil met according to adjournment.

Patten, a member of the House of Assembly, attending, admitted and delivered to the Chair the following papers, resolutions for negotiating a loan from the bank; a message from the President to the General Assembly; a resolution for an adjournment; with a copy of the continuation of Journals of Congress from the 3d of March last to the 2d instant and a copy of the Treaty of Amity and Commerce lately concluded between the United States of America and his Majesty King of Prussia, mentioned in the said message from the President; which said papers were read.

Council now went into the consideration of the message proposed to be sent to the House of Assembly, and after some debate therein the same was agreed to.

On the question to agree to the same, the yeas and nays were required by Mr. Tilton, and are as follows:

*Yeas*—Mr. Craghead, Mr. Read, Mr. D. Polk, Mr. Baning.

*Nay*—Mr. Tilton.

So it passed in the affirmative.

*Ordered*, That Mr. Craghead wait upon the Council with the following papers, to wit: That the Council be authorized to raise by bill for raising twenty-one thousand pounds per year 1786, with the first paper of amendment proposed by Council and still adhered to; the second proposed to the said bill by the House with a third paper of amendments proposing some of their original amendments to the mentioned message from Council to the House also with resolutions ascertaining the duties of the Continental Loan Offices; a letter of the 15th October, 1785, with resolution of the 10th October, 1785, and October 12th, 1785.

Mr. Craghead, being returned, reported according to order.

On motion, by order,

The supplementary act to an act entitled "An act for the better regulation of the currency and destroying such of the Bills of Credit as are now outstanding, and for the better regulation of the law of this State, passed under the present constitution, as are now outstanding, and for the better regulation of the law of this State, mentioned," was read a second time.

*Ordered*, That Mr. D. Polk wait on the Council with the following verbal message:

A MESSAGE FROM THE COUNCIL TO THE HOUSE OF REPRESENTATIVES

*Gentlemen:*

The Council had deliberated upon and adopted the resolution contained in the verbal message from the House of Representatives of Saturday afternoon, and were preparing to adjourn when a member of your honorable House moved for their adjournment for the day; since which the Council have considered the tax bill in such way that, in their opinion, it is proper to refer the same to a public office, to wit: that of State Treasurer.

supplied by nomination and ballot. Therefore it is that Council now declare their readiness to meet the House of Assembly for the purpose of putting into nomination persons to supply any vacancies necessary to be filled by the choice of the General Assembly generally, or in conjunction with his Excellency, the President, at any time and place which your honorable House may propose.

Mr. D. Polk, being returned, reported the delivery of the message to the Speaker of the House of Assembly.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met. Present the same members.

Resolved, That Mr. Snow wait upon the House of Assembly and deliver the following papers: Resolutions appointing Commissioners; first paper of amendments proposed thereto by Council; a second paper of amendments proposed by House of Assembly, and a resolution of Council respecting the canal business;

Mr. D. Polk, being returned, reported the delivery thereof according to order.

Mr. Clark, a member of the House of Assembly, attending at the Chair, was admitted and delivered to the Chair a message from the House of Assembly to Council, which follows in these words:

MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

Members:

The House of Assembly have taken into consideration the following amendments proposed to the bill entitled "An act for raising £21,000 for the service of the year 1786," and also the message from your honorable House containing the reasons upon which you proposed and still adhere to your amendments; but as the session draws near to a conclusion, time will not permit us

to state to the Council the principles which they proposed to reject divers of your amendments, yet, the necessity of giving efficacy to a bill so essential to the honor of the State and the dignity of the Government, this House are desirous of adopting such prompt and speedy measures to effect a concurrence in the subject matter of the disputed amendments, and therefore propose to the Council a committee to be appointed by the Council, and by the House of Assembly, to be appointed Mr. Bedford, Mr. Patten, and Mr. Tilton, to be the part of this House.

Signed by order of the House of Assembly

THOMAS

On motion of Mr. Tilton,

That this House appoint a committee to be appointed by the House of Assembly, to be appointed Mr. Bedford, Mr. Patten, and Mr. Tilton, to be the part of this House, with the committee of the House of Assembly, to be appointed by the House of Assembly, to be appointed Mr. Bedford, Mr. Patten, and Mr. Tilton, to be the part of this House, matter of the amendments proposed by the House of Assembly, raising £21,000 for the service of the year 1861, which they have disagreed to by the House of Assembly, shall be in possession of the reasons the House of Assembly for such disagreement;

And the question being put, the yeas and nays were taken by Mr. Tilton, and are as follows, viz:

*Yeas*—Mr. Snow, Mr. Tilton, Mr. Banister.

*Nays*—Mr. Read, Mr. Neill, Mr. D. P. P.

The House being divided, Mr. Speaker declared the motion, and it was determined in the negative.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 23d, 1786, A. M.

ncil met. Present the same members as yesterday.

dered, That the motion and resolution of the Council respecting the appointment of a committee of conferees to confer with the committee of the House of Assembly on the subject of amendments proposed by the Council to the tax bill, before the Council should be in possession of the reasons the House of Assembly had for such disagreement, be transcribed and sent to the House of Assembly, together with the following message from the Council to the House of Assembly:\*

Neill is appointed to deliver the said transcribed motion and resolution and the said message; who, being returned, read the delivery thereof accordingly.

Mitchell, a member of the House of Assembly, attending, read to the Chair a bill for the suppression of idleness, vice, and immorality; which said bill was read.

motion, by order,

The resolutions for negotiating a loan from the bank were read and time, and after some time spent in the consideration of the same was rejected.

dered, That the same be returned to the House of Assembly. Said resolutions follow in these words:

IN THE HOUSE OF ASSEMBLY, June 21, 1786.

olved, That ——— be and are hereby appointed Commissioners on behalf of this State to negotiate a loan with the President, Directors, and Company of the Bank of North America, for any sum not exceeding fifteen thousand pounds, to be paid in annual installments, to commence from the expiration of one year from the receipt of such money, on such terms and conditions as they shall think most advantageous to the interest of this State; and the said Commissioners are hereby authorized and empowered to pledge the faith and honor of this

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message is omitted by the Clerk.

State for the repayment of the said sum, of six per centum on the same, till the same is funded, with the accruing interest thereon.

And the said Commissioners are further empowered to pledge the faith of this State, its Directors, and Company aforesaid, so that this State will pass a legislative act, so entered into by their said Commissioners, in pursuance of the provision therein for the repayment of the said sum, and conditions that may be agreed upon by the said Commissioners and the President, Directors,

Extract from the secret journals, the minutes of the Assembly having been enjoined to secrecy by the following resolution.

JAS. BOOTH.

Sent for concurrence.

Thus acted upon in Council, June 23, 1834, and rejected.

STE. SYKES,

The Council adjourned to 3 o'clock.

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Council met. Present the same members.

Mr. Nixon, a member of the House of Representatives, was admitted and delivered to the Chair. He read the following Resolutions: Resolutions appointing Commissioners of Council respecting the canal business, and amendments proposed by the Council to the House of Assembly respecting the appointment of Commissioners, &c., on the trade of the United States, and a message to the Council from the House of Representatives.

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\* Omitted by Clerk.

motion, the said message is referred to a committee of viz: Mr. Read and Mr. D. Polk, to report thereon, who state the reasons of Council for receding from their determination respecting the proposal of appointing a committee of peers to confer on the subject matter of the amendments proposed to the tax bill.

motion,

*Resolved*, That Mr. Read, Mr. Neill, and Mr. Baning be a committee of conferees to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by bill to the bill for raising £21,000 for the service of the year and divers of them disagreed to by the House of Assembly.

adjourned to 9 o'clock to-morrow morning.

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SATURDAY, 24th June, 1786, A. M.

Council met. Present the same members.

The committee appointed to prepare an answer to the message of the House of Assembly to Council, and to whom the said message was referred to report thereon, now laid on the table the following message; which, by order, was read; the same, by order, was read a second time and agreed to, in these terms:\*

The supplementary bill to the act for calling in and destroying Bills of Credit, &c., was now read a third time, and an amendment being proposed and agreed thereto,

*Resolved*, That Mr. Tilton wait upon the House of Assembly with the said bill and paper of amendment, with the memorial of W. Wilson.

Mr. Tilton, being returned, reported the delivery thereof according to order.

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Admitted by the Clerk.

The bill for the suppression of vice read a second time, and some amendments agreed to.

*Ordered*, That the said amendment with the said bill, to the House of Assembly and concurrence.

*Ordered*, That Mr. Snow wait upon with the said bill and the paper of Council thereto;

Who, being returned, reported the

*Ordered*, That the resolution of Council respecting the appointment of conferees committee of the House of Assembly on amendments proposed by the Council £21,000 for the service of the year 1786 to the House of Assembly; which was message from Council to the House of Assembly.

*Ordered*, That Mr. D. Polk wait upon with the above resolution and message

Who, being returned, reported the to order.

Adjourned to 3 o'clock.

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Council met. Present the same members

The committee of conferees appointed by the House of Assembly on amendments proposed by Council to the House of Assembly for the service of the year 1786, now met. Council agreed.



motion,

*ordered*, That the said bill be transmitted to the House of Assembly, together with the paper of amendments, as also with a paper of amendments proposed by the committee of conference.

*ordered*, That Mr. Craghead wait upon the House of Assembly with the aforesaid bill and several papers of amendments proposed thereto;

who, being returned, reported the delivery thereof according to order.

A motion, that the sense of Council be taken whether Mr. Tilton have leave to enter at large upon the minutes of Council his reasons for disagreeing to sundry amendments proposed by Council to the bill for raising £21,000, &c., and for protesting against a message from the Council to the House of Assembly on the 22d instant, agreeable to leave then had and obtained of Council; and the question being put, it was resolved in the affirmative.

Whereupon Mr. Tilton laid on the table a paper exhibited as containing his reasons for his disagreement and protest, which were in these words:

1. Because the end proposed by the first amendment, for raising the sum to be raised, and all the numerous amendments dependent thereon, is allowable in another way, and more to the advantage of the State. Instead of paying one-third of the requisition of the 4th of September, 1782, in specie, agreeable to the intention of this amendment, it is admitted the whole might be paid in facilities. By a separate provision then for this requisition, such as we have reason to believe the House of Assembly intend, our tax laws would be more simple and easily understood, more facilities might be brought into circulation, and their value would be enhanced, they would circulate more plentifully and be of greater public utility; and in proportion as the State is enabled easily and speedily to comply with the requisitions of Congress, the Federal Government will be bene-

2. Because the Articles of Confederation expressly declare that the proportion of taxes to be raised by each State in the

support of the Federal Government, shall be in the authority and direction of the Legislature of the States, *within the time agreed upon by Congress assembled*; and the United States Legislatures of each State in the Union shall be complying with their requisition of the same on the first day of January, 1787, the said securities shall not be in the hands of the State proper officer, the deficiencies shall be covered by the Continental Treasury, in specie; therefore, for postponing the completion of this requisition, May, 1787, cannot be considered as a compliance, and this circumstance of time is essential to the requisition, and not as a compliance, *as was alleged and maintained in Council.*

3d. Because the 45th amendment, for enabling the State Treasurer to exchange specie for the spirit and letter of the requisition intended to be a compliance. This amendment has a manifest tendency to depreciate the face of the currency, must prove injurious to the honor and credit of the currency, and opening a partial and dangerous speculation.

4th. Because the 46th amendment, for enabling the President with the advice and consent of the Senate to suspend the operation of the tax laws, and the form in which it now stands, to enable the President with the advice of the Privy Council to summon Congress for the express purpose of taking cognizance of the same by Congress, and accountable to them alone, is as manifestly tending to an incroachment on the prerogatives of Congress, engaged for by the States through their Delegates in Congress, it behoves Council to have a due regard to the same, by a strict conformity to the requisitions of Congress, seriously concerned to guard against a compliance with, or repugnant to, their requisitions, our constituents might be deprived of the same, and held out to them.

5th. Because in the message of Council

ly, with reference to the Commissioner of the Loan Office of the State, for not having issued interest certificates, or Loan certificates, and other certificates of liquidated debts, upon the end of the year 1782, to be received in discharge of taxes fulfilling the requisition of 1784, it is said: "and what has happened still renders the provision in this clause the more necessary, and Council willingly hope that any jealousy that may be taken place will, by the present form of the amendment, be removed." As it was sufficiently explained to the understanding and conviction of the Council, previous to the sending of this message, that neither Congress nor their officers could have done more for the State than was done, and that so far as the State has suffered an inconveniency, it must have been owing to a contingency in the death of the late Loan Officer, and negligence on the part of the State to procure another before an entire change took place in the system for conducting the Continental currency, whereby it became impracticable to afford relief to the State, but by a speedy compliance with the requisition of 1785. Therefore becomes the duty of this dissentient to declare and insist, that language importing jealousy or distrust of Congress, their officers, is without foundation, altogether unmerited by the officers of Congress, and when adopted by Council tends greatly to disturb the harmony and impair the mutual confidence which ought to subsist between this State and the United States.

J. TILTON.

Upon the entry of the papers delivered by Doctor Tilton, as was said, it was thereupon observed to the House that the facts stated therein, to which his reasons referred, were misrepresented and not truly stated.

Thereupon it was moved by Mr. Read, seconded by Messrs. Craghead, separately, that the sense of Council be taken with respect to those facts, and Council proceeded thereon as follows:

The first of which facts alleged to be misrepresented is as follows, to wit: "Instead of paying one-third of the requisition in September, 1782, *in specie*, agreeably to the intention of the amendment, it is *admitted* the whole must be paid in facili-

The question whether this fact is truly stated being put, it was answered in the negative.

The second misrepresentation is as a separate provision then for this requisition to believe the House of Assembly is

The question whether this fact is true it was resolved in the negative.

The third, whether the following is a fact, to wit: "The forty-sixth amendment enable the President, with the advice and suspend *the operation of the tax laws*, in form in which it now stands, to enable the advice of the Privy Council to summon for the express purpose of *taking cognizance* by Congress and accountable to them a

And the question being put thereon negative.

The fourth misrepresentation is as follows *sufficiently explained to the understanding of the Council, previous to the sending of the message to Congress nor their officers could have been than was done.*"

The question whether this fact is true being put, it was resolved in the negative.

*Ordered*, That Mr. Neill wait upon the President with the resolution respecting the appointment on commercial business, &c.; who, being satisfied, deliver thereof according to order.

Mr. McCall, a member of the House of Representatives, was admitted and delivered to the Council to wit: The bill for the suppression of intemperance, with the paper of amendments proposed and agreed to by the House of Assembly, and also the resignation of James Tilton of the House of Representatives, with the following verbal message

VERBAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

*Gentlemen:*

The House of Assembly having taken

ge of Thursday last, declaring your readiness to meet this  
e for the purpose of putting into nomination persons to  
y any vacancies necessary to be filled, by the choice of the  
al Assembly generally, or in conjunction with his Excel-  
the President, propose to meet your honorable House  
Council Chamber forthwith, for the purpose of putting in  
ation persons to be balloted for to fill the offices of State  
urer, Judge of the Court of Common Pleas and Orphans'  
for Kent County, and a commissioner to complete a set-  
nt of the accounts of this State with the United States.

e said papers were read, and the amendments proposed by  
House of Assembly to the said bill for the suppression of  
ss, &c., were acceded to by Council.

dered, That Mr. D. Polk wait upon the House of Assembly  
he said bill and the several papers of amendments, and in-  
them that Council agree to the amendments proposed by  
House to the said bill;

no, being returned, reported the delivery thereof according  
ler.

e resignation of James Tilton, Esq., of his office of State  
urer, being read, it appeared to have been thus acted upon  
e House of Assembly:

IN THE HOUSE OF ASSEMBLY, June 24th, 1786.

e preceding resignation was presented to the House and  
thereupon

solved, That the said resignation be accepted upon condi-  
that the said James Tilton continue to discharge the duties  
said office until the tenth of July next.

JAMES BOOTH, *Cl'k of Assembly.*

us acted upon in Council, June 24th, 1786. Read and con-  
d in.

STE. SYKES, *Cl'k C. P. T.*

e Council and the House of Assembly now met in the Coun-  
mber for the purpose of electing persons to fill the offices  
ate Treasurer, and of Judge of the Court of Common Pleas  
Orphans' Court for the County of Kent, which office of

Judge is presently vacant by the death of the Commissioner to complete a settlement of the State with the United States.

*Nomination of persons for State*

Joshua Clayton, Esquire, by George  
John Banning, Esquire, by John P.

*Nomination of persons for Judge of the  
and Orphans' Court for the*

Allen McLane, Esquire, by Mark  
Isaac Carty, Esquire, by William  
Richard Smith, Esquire, by John  
Thomas White, Esquire, by John  
James Bellach, Esquire, by Charles

*Nomination for Commissioner to complete*

Eleazer McComb, Esquire, by James

On motion,

*Ordered*, That Messrs. Clark, Nixon and Committee to wait on his Excellency, the Governor, that the General Assembly will be convened at 10 o'clock for the purpose of balloting for Judges of the Common Pleas and Orphans' Court for the

The Houses then separated for a quarter of twelve.

The committee report that they waited on his Excellency, the Governor, and he was pleased to say he was in reading of the report of the committee to the General Assembly. The gentlemen of the Council Chamber introduced him into the Council Chamber accordingly, and he took his seat, where he remained until 10 o'clock, when he proceeded to the balloting for State Treasurer, and the votes were unanimously in favor of John P. The State Treasurer, he is declared to be duly elected.

Then the President and members of the Court proceeded to ballot for second Judge of the Court of the Orphans' Court to supply the vacancy of Richard Lockwood, Esquire, and the votes were unanimously in favor of Richard Smith. The said Richard Smith is declared to be duly elected.

of the Court of Common Pleas and Orphans' Court for  
County of Kent.

y then proceeded to ballot for third Judge of the Court  
Common Pleas and Orphans' Court in the stead of Richard  
late third Judge of the said Court, and it appearing that  
es were unanimously in favor of Thomas White, Esquire,  
pon the said Thomas White is declared to be duly elected  
Judge of the Court of Common Pleas and Orphans' Court  
County of Kent.

President and the members of the two Houses then pro-  
to ballot for fourth Judge of the Court of Common Pleas  
Orphans' Court in the stead of Thomas White, Esquire, and  
earing that there was a majority of votes in favor of James  
n, Esquire, thereupon the said James Bellach is declared to  
y elected fourth Justice of the said Court for the County  
id.

two Houses now proceeded to ballot for a Commissioner  
plete a settlement of accounts of this State with the United  
and it appearing that the votes were unanimously in favor  
azer McComb, Esquire, thereupon the said Eleazer Mc-  
is declared to be duly elected Commissioner to complete  
ement, &c.

Patten, a member of the House of Assembly, attending,  
mitted and delivered to the Chair the following papers,

"An act for raising twenty-three thousand six hundred  
twenty-five pounds for the service of the year one thousand  
hundred and eighty-six;" "A supplementary act to an act  
d 'An act for calling in and destroying such of the Bills of  
, emitted by virtue of any law of this State passed under  
esent or former government thereof, as are now outstand-  
nd for other purposes therein mentioned;" "A supple-  
ry act to an act entitled 'An act to invest the Congress of  
ited States with the power to levy the duties, &c.;" "An  
the suppression of idleness, vice, and immorality;" a res-  
a for the payment of £60 to Jacob A. Killen, on account of  
g work done for this State; a resolution for affixing the  
Seal to four laws passed the 24th June, 1786, together  
ne original draughts of the bills mentioned, and the several  
of amendments proposed and agreed to to the bill for  
£21,000, &c.

The resolution for the payment of A

IN THE HOUSE OF A

On motion,

*Resolved*, That the Speakers of bo  
on the State Treasurer for the paymen  
A. Killen, on account of printing worl  
be accountable.

JAS. BOO

Sent for concurrence.

Thus acted upon in Council, June 2  
curred in.

STE. SYKE

Mr. Broom delivered a resolution  
for the payment of thirty-five poun  
President, for his expenses in attend  
at their present session.

The said resolution was concurred in

*Resolved*, That an order be drawn  
the payment of the said sum to his Ex

Which was accordingly done, and th  
Speakers of both Houses.

On motion, by order,

The resolution of the House of Asse  
Seal to the following bills, was read an  
and is as follows, viz:

IN THE HOUSE OF A

On motion,

*Resolved*, That the President and  
the Great Seal of this State to the foll

1. "A supplementary act to the ac  
the Congress of the United States wit  
upon all goods, wares, and merchandi



beyond the seas, for a limited time, and to establish a fund for the payment of interest arising on the public debt;’ ”

“An act for the suppression of idleness, vice, and immor-

“A supplementary act to an act entitled ‘An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any law of this State passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned;’ ”

“An act for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-six.”

JAS. BOOTH, *Cl'k of Assembly.*

ent for concurrence.

The Council allowed the following accounts, viz:

the Hon. Thos. McDonough, Esq., Speaker,			
for 29 days' attendance and mileage, . . . .	£27	2	0
George Craghead, Esq., for 29 do. do., . . . .	19	1	4
George Read, Esq., for 21 do. do., . . . .	14	2	0
Philip Snow, Esq., for 25 do. do., . . . .	15	6	8
James Tilton, Esq., for 24 do., . . . .	14	8	0
John Banning, Esq., for 24 do., . . . .	14	8	0
Joshua Polk, Esq., for 12 do. do., . . . .	8	5	4
Henry Neill, Esq., for 8 do. do., . . . .	6	6	0
Daniel Polk, Esq., for 13 do. do., . . . .	9	1	0
Mr. Ste. Sykes, 24 do. as Clerk pro. tem., . .	15	16	10½
James Newnam, for 26 do. as Doorkeeper, . .	10	10	0
Mrs. Elizabeth Battell, for the use of a room			
during this sitting, . . . . .	13	0	0
	<hr/>		
	£167	7	2½
	<hr/>		

motion,

resolved, That orders be drawn on the State Treasurer, and by the Speaker, for the payment of the several sums so said. Whereupon said orders were drawn and signed.

Council adjourned to the 20th day of October next.

MEMBERS' N

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FOR NEW CASTLE

GEORGE CRAGHEAD, *Speaker*,  
NICHOLAS VAND

FOR KENT COU

SILAS SNOW, JAMES TILTON

FOR SUSSEX CO

HENRY NEILL, DANIEL POLK,

# OTES AND PROCEEDINGS

OF THE

## COUNCIL OF THE DELAWARE STATE.

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A session of the Council convened at Dover, October 20th, a sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until the 24th of the same month, when there appeared as follows:

*New Castle County*—George Craghead, Nicholas Van-

*Kent County*—Silas Snow, James Tilton, John Baning.

*Sussex County*—Henry Neill, Alexander Laws.

At the said members being so met in Council, certain indentures certifying the election of Nicholas Vandyke, Esquire, a member of Council for the County of New Castle; John Baning, Esquire, a member of Council for the County of Kent; and Alexander Laws, Esquire, a member of Council for the County of Sussex, were respectively produced and read, whereby it appeared to the Council that they were severally duly elected to represent the said Counties as members of the Legislative Council of the Delaware State, at the last annual election held in the Counties of New Castle, Kent and Sussex, on the second day of this instant, October, (the first day being Sunday,) for the years next ensuing the said election.

The Council proceeded to the choice of a Speaker, and the honorable George Craghead, Esquire, was unanimously chosen.

John Baning and Mr. Laws took and subscribed the oath of

fidelity and the declaration of faith p  
tion. [*See note on page 10.*]

On motion, by order,

The rules to be observed by memb  
sitting thereof, made and agreed to in

*Resolved thereupon*, That the above  
Rules of this House during the prese  
tion, proposed by Mr. Tilton:

6. That from and after the first d  
sitting of Council, it shall be the first  
read, and correct (if necessary), the  
day.

Adjourned till 3 o'clock this afterno

---

Council met. Present the same me  
except Mr. Vandyke.

Adjourned till to-morrow morning,

---

WEDNESDAY

Council met. The minutes of yeste

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Vandyke took the oath of fidelity to the State and submitted the same and declaration of faith, and took his seat in Council.

Read appeared in Council and took his seat.

Moore, a member of Assembly, attending, was admitted. Delivered to the Chair a verbal message from the House of Assembly, which, on motion, by order, was read, and follows in words, viz:

THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,  
WEDNESDAY, P. M., October 25th, 1786.

On motion,

Resolved, That Mr. Moore wait on the Council with the following verbal message:

Members:

For the place of President and Commander-in-Chief of this State now vacant, by the expiration of the term limited by the Constitution to the late President, the House of Assembly proposed to the honorable the Council, that both Houses of the General Assembly meet, in the Council Chamber, to-morrow, at twelve o'clock in the afternoon, for the purpose of nominating per-son out of whom one shall be elected by ballot to be President and Commander-in-Chief of this State; and that both Houses do at the same time and place, nominate persons to be balloted to represent this State in the Congress of the United States, on the first Monday in November next until the first Monday in November in the year one thousand seven hundred and eighty-eight.

JAS. BOOTH, *Cl'k of Assembly.*

On motion, that a committee of three be appointed to bring in a bill to alter, amend, and continue the act entitled "An act for auditing and arranging the accounts of this State, and for the effectual settlement of the same," ordered, thereupon, that

Messrs. Read, Vandyke, and Laws be-  
pose.

Mr. Neill, having urgent business  
requested leave of absence for the remainder of the day,  
which is granted.

Adjourned to ten o'clock to-morrow

---

#### THURSDAY

Council met. The minutes of yesterday

The verbal message from the House of Representatives,  
the meeting of both Houses, in the afternoon, in order to put  
o'clock this afternoon, in order to put one of whom to be elected President  
of this State, and also persons to represent the United States, was read a second  
time.

*Ordered,* That Mr. Laws wait on the President to  
return the said verbal message, concurring in the same.

Who, being returned, reported he had done so  
according to order.

Adjourned to 3 o'clock, P. M.

---

Council met.

Mr. Gordon, a member of the Assembly, was called to the  
Chair and delivered to the Chair the following message  
from the President of the 24th October, 1877,  
Secretary of Congress, notifying the election of

1786; communication from the American Minister at Paris, touching contracts for tobacco; and a letter from the Secretary of Foreign Affairs, of April 26th, 1786; a letter from the Secretary of Foreign Affairs, communicating Mr. Adams' letter, &c., 1786; communications from the American Minister at the Court of London, 4th March, 1786; representation in Congress, June, July, August and September, 1786; letter from the Secretary of Congress; resolution respecting negroes taken off to the British; resolution of Congress and letter from the Secretary touching their claim upon the different States to comply with the formation of the Sovereignty of the Union, and send forward their delegates; appointment of commissioners, by the Secretary of Congress, for the purpose of forming commercial regulations for the Island, for the purpose of forming commercial regulations; letter from Secretary of Congress, 4th October, 1786; resolution for regulation of Indian affairs, 7th Aug., 1786; letter from Secretary of Congress, 1st July, 1786; letter from Secretary of Congress, of September 5th, 1786; letter from the Board of Commissioners, of September 25th, 1786; requisition of Congress of August, 1786; resolutions for ascertaining the standard and weight of the unit of the United States; address from the Commercial Convention at Annapolis of 14th September, 1786; letter from the Chairman of the Commercial Convention of Sept. 21st, 1786; resolution of Congress on the subject of paper money, Sept. 1786; resolution of Congress, recommending a cession of territory, of the 9th of August, 1786; a letter from the Secretary of Congress, of the 12th August, 1786; and a letter from the Secretary of Congress, of 2d October, 1786; which, by the House were severally read.

Mr. McCall, a member of Assembly, attending, was admitted to the Council that the House of Assembly were ready to concur with the Council on the business of putting in nomination per-son for President and Delegates to Congress.

motion,

Resolved, That Mr. Snow wait on the House of Assembly and inform them that Council were ready to receive them, in their business, on the above mentioned business;

Mr. Snow, being returned, reported he had delivered the message to his charge.

House of Assembly, now attending in the Council Chamber.  
126

ber, agreeable to the order of the persons, one of whom to be elected in-Chief of this State, and also person the Congress of the United States.

Nominated for President, &c.—Th  
Mr. Broom.

On motion,

*Resolved by both Houses,* That thr  
represent this State in the Congress o

The nomination for Delegates for  
ceeded in.

Mr. Broom proposes Nicholas Van  
Mr. Rodney proposes Gunning Be  
Mr. Polk proposes Major Nathaniel  
Mr. Read proposes Alexander Port  
Mr. Gordon proposes Thomas Rod  
Mr. Snow proposes Major John Pat  
Mr. McCall proposes Isaac Carty, I  
Mr. Hyatt proposes William Peery.  
Mr. Shankland proposes Col. John

Then the two Houses separated.

Council adjourned to 10 o'clock to-

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FR

Council met. The minutes of yest

Mr. Duff, a member of Assembly, a  
delivered to the Chair a verbal mess  
sembly, which follows in these words,



VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE  
COUNCIL.

*men:*

House of Assembly propose to the honorable the Council  
both Houses of the General Assembly meet, in the As-  
sembly Room, at four o'clock this afternoon, for the purpose  
of electing, by ballot, out of the persons put in nomination yes-  
terday, a President of this State, and Delegates to represent the  
State in the Congress of the United States.

Friday, A. M., October 27th, 1786.

Which, by order, was read.

The committee appointed to bring in a bill to alter, amend,  
and continue the act entitled "An act for auditing and arranging  
the accounts of this State, and for the more effectual settlement  
of the same," do now report that they had essayed a draught of  
a bill for that purpose, which they laid on the table.

On motion, by order, the same was read, and, by special order,  
on the second time, and it shall pass.

Resolved, on motion, that Mr. Snow wait on the House of  
Assembly with the said bill, for concurrence, and the verbal  
message concurred in by Council.

Adjourned to 3 o'clock.

---

FRIDAY, Oct. 27th, P. M.

Council met.

Snow reported that he had delivered the papers commit-  
ted to his charge to the House of Assembly, according to order.

McCall, a member of Assembly, attending, was admitted  
and informed Council that the House of Assembly were ready to  
elect them for the purpose of balloting for the President of the  
State and members of Congress to represent this State in the  
Congress of the United States.

The Council attended the House ballot for a President and Commander-in-Chief, and also members of Congress from the United States, and the votes being read, it appeared that the President was unanimously chosen, and is declared President and Commander-in-Chief of this State.

The two Houses then proceeded to vote for Delegates in Congress, and the votes being read, it appeared that Thomas Mitchell, and Gunning Bedford, Esquire, were elected by a majority of votes and are declared duly elected.

On motion,

*Resolved by both Houses,* That the Council accept of the election of Thomas Mitchell, and Gunning Bedford, Esquire, as Delegates in Congress, and require his answer to the same.

Then the two Houses separated.

Council adjourned to 10 o'clock to-morrow.

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Council met. The minutes of yesterday read.

The Speaker informed Council that the two Houses had written a letter to Mr. Colburn of yesterday; that this morning they read the same.

On motion, by order, the letter from Mr. Colburn is read, wherein he expresses his high sense of honor to him by his being elected to that honorable voice of the General Assembly, and that unqualified he may consider himself bound to accept it.

red, on motion, that Mr. Tilton wait on the House of  
ly and deliver to the Speaker thereof the letter from Mr.

; , being returned, reported that he had delivered the same  
ng to order.

urned to 3 o'clock, P. M.

---

EODEM DIE, P. M.

cil met.

Polk, a member of Assembly, attending, was admitted and  
ed to the Chair a bill entitled "An act for suspending exe-  
for a limited time;" which, on motion, by order, was

ered to lie on the table.

Davis, a member of Assembly, attending, was admitted  
livered to the Chair a bill entitled "An act for continuing  
entitled 'An act for the auditing and arranging the ac-  
of this State, and for the more effectual settlement of the  
' with a resolution of that House of their intending to  
a the present sessions this evening to some future day;  
on motion, by order, were severally read.

pecial order, the said bill last mentioned was read a second  
nd it shall pass.

motion,

red, That a certificate of the appointment of the Honor-  
omas Collins, Esq., to the office of President and Com-  
-in-Chief of the State, signed by the Speakers of the two  
, and sealed with the Great Seal of the State, be made  
l delivered to Mr. Collins.

motion,

lved, That the Speaker of the Council be authorized to

administer as well the oath of allegiance as the oath of office, to the Honorable now appointed President and Commander-in-Chief, as directed by the twenty-second section of the Constitution, and that the same be certified to the proper office.

On motion,

*Ordered*, That Mr. Laws wait on the Council to deliver the order and resolution of Council relative to certifying the Honorable Thomas Collins a copy of the act for their concurrence; and also to return to the Council the act for auditing and arranging the accounts, concurred in by Council;

Who, being returned, reported the same to order.

Mr. Porter, a member of Assembly, presented and delivered to the Chair a report of the Council on a tombstone erected over the grave of Col. Haslet.

On motion, by special order,

The bill entitled "An act for suspending the operation of the act passed at a certain time," was read a second time, and thereon, is by Council disagreed to.

Mr. Evans, a member of Assembly, presented and delivered to the Chair the resolution of Council relative to the qualifying the Honorable Thomas Collins, Governor of this State, concurred in by the Honorable Council, with a certificate of the appointment of Mr. Collins as Commander-in-Chief of this State, with the seal of the State affixed, and signed by the Speaker of the Assembly.

The report of the Auditor concerning the accounts of the grave of Col. Haslet, was read and concurred in by Council.

*Ordered*, That the Speaker of Council certify to Eleazer McComb, Esq., for £5 : 14 : 0 due to the workmen for that tombstone.

On motion,

ered, That Mr. Snow wait on the House of Assembly and the bill entitled "An act for suspending executions for a time," disagreed to by Council; also the report of the or with respect to Col. Haslet's tombstone, agreed to by il.

ourned for half an hour.

ncil met according to adjournment.

Speaker now reported that, in pursuance of the direction General Assembly, he had proceeded to administer the of fidelity to the State and the oath of office to his Excel- Thomas Collins, Esquire, President and Commander-in- of this State, and that he took and subscribed the declara- of faith in his presence, and that he had delivered him the ate of his appointment, signed by the Speakers of both s, and certified the same into the Secretary's office.

motion,

ered, That the following accounts be allowed, and that be drawn and signed by the Speaker for the same; which one accordingly, to wit:

The Honorable George Craghead, Speaker, for 7	
days' attendance and mileage, . . . . .	£7 16 0
George Read, Esq., for 6 days' attendance and	
mileage, . . . . .	5 2 0
Nicholas Vandyke, Esq., for 7 days' attendance	
and mileage, . . . . .	5 7 4
as Snow, Esq., for 7 days' attendance and do.,	4 10 8
nes Tilton, Esq., for 7 days' attendance, . . .	4 4 0
nn Baning, Esq., for 7 days' attendance, . . .	4 4 0
enry Neill, Esq., for 3 days' attendance and	
mileage, . . . . .	3 6 6
exander Laws, Esq., for 7 days' attendance	
and do., . . . . .	5 6 0
<i>Carried forward,</i> . . . . .	£ 39 16 6

*Brought over, . . . . .*

To James Sykes, Esq., for 9 days' paper, . . . . .  
 To James Sykes, Esq., for cash paid for a press to keep the papers of . . . . .  
 To James Newnam, Doorkeeper, for riding express, . . . . .  
 To Mrs. Elizabeth Battell, for the use of wood and candles, . . . . .

Mr. Grantham, a member of Assembly, presented and delivered to the Chair an engrossed bill for continuing an act entitled 'An act for settling the accounts of this State, and for the amendment of the same,' signed by the Speaker, in pursuance of a resolution for affixing the Great Seal of the State for £5 : 14 : 6, the balance remaining on the tombstone, signed by the Speaker of the last session.

On motion,

*Ordered,* That the Speaker of Council be paid for Eleazer McComb for £5 : 14 : 6, the balance remaining on Haslet's tombstone.

Which was done accordingly, and the Great Seal to the last mentioned bill.

The said bill was read and compared by the Speaker.

On motion,

*Ordered,* That Mr. Laws wait on the Speaker to return the last mentioned bill and receive the Great Seal thereunto.

Mr. Broom, a member of Assembly, presented and delivered to the Chair a notification from the Assembly that they had adjourned to meet on the first of January next.

Then Council adjourned to the ninth of January next.

# MINUTES OF COUNCIL.

---

1787.





# OTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

---

ADJOURNED SESSION, JANUARY, 1787.

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JANUARY 9th, 1787.

ncil met agreeable to adjournment. Present Mr. Crag-  
Mr. Read, Mr. Tilton, Mr. Baning, Mr. Polk, and Mr.

ourned to 10 o'clock to-morrow morning.

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WEDNESDAY, 10th, A. M.

ncil met and adjourned to 10 o'clock to-morrow morning.

---

THURSDAY, 11th, A. M.

ncil met and adjourned to 3 o'clock this afternoon.

---

EODEM DIE, P. M.

ncil met. Mr. Snow appeared and took his seat.

ourned to 10 o'clock to-morrow morning.

FRID

Council met. Present the same me

Adjourned to 3 o'clock this afterno

Council met. Present the same me

Adjourned to 10 o'clock to-morrow

SATURD

Council met.

Mr. McCall, a member of Assembly  
erred to the Chair a resolution of tha  
was read, and follows in these words,

IN THE HOUSE OF

FRIDA

On motion,

*Resolved unanimously,* That this H  
sideration any new business within th  
the conclusion of the sitting of this  
this resolution be sent to the Council

JAS. BO

Adjourned to 4 o'clock, P. M.

Council met. Mr. Vandyke appea  
his seat.

Adjourned to Monday morning nex

MONDAY, January 15th, A. M.

uncil met and adjourned to 3 o'clock, P. M.

---

EODEM DIE, P. M.

uncil met. Mr. Neill appeared in the House and took his

e committee to whom was referred the bill entitled "An act  
e more equal assessment of property within this State, and  
her purposes therein mentioned," now reported the same,  
a they submitted to the consideration of the House.

motion, ordered, that the said bill be taken up and pro-  
d upon to-morrow morning.

. Read presented to the Chair a letter from Gunning Bed-  
Esquire, Prothonotary of New Castle County, addressed to  
eneral Assembly of this State, which, on motion, was read,  
ein he acknowledged the honor done him by his appoint-  
to the important trust of one of the Delegates from this  
to the United States in Congress, and representing that,  
his present situation, he could not give that attendance  
which he apprehends necessary, and humbly requests that  
ay be excused from that duty, and that some other person  
be appointed in his place.

motion,

dered, That Mr. Polk wait on the House of Assembly and  
er the letter aforesaid;

no, being returned, reported that he had delivered the same  
ding to order.

ourned to ten o'clock to-morrow morning.

TUES

Council met. Present all the mem

The minutes of yesterday were rea

Agreeable to the order of the day  
ceeded to the reading, by paragraph  
for the more equal assessment of pro  
for other purposes therein mentione  
spent therein, is deferred to further c  
noon.

Adjourned to 3 o'clock, P. M.

---

Council met. Present the same m  
consideration of the last mentioned l  
graphs being read and agreed to,  
thereof is deferred till to-morrow mor

Adjourned to 10 o'clock to-morrow

---

WEDNE

Council met. Present all the mem

The minutes of yesterday were rea

Council proceeded to reading the  
entitled "An act for the more equ  
within this State, and for other pur

ter some progress made therein, is postponed till the after-

Porter, a member of Assembly, attending, was admitted delivered to the Chair the accounts of John McKinly, Esq., the amendments proposed by Council thereunto, to which House of Assembly acceded; also a general statement of the sums due from this State to him, and resolutions of that House that orders be drawn on the State Treasurer in his favor for the sums so due, signed by the Speakers of both Houses, and sent to Council for concurrence.

ordered to lie on the table.

adjourned to 3 o'clock this afternoon.

---

EODEM DIE, P. M.

Council met. Present all the members.

The Speaker presented a letter from Mr. William Winder, Commissioner for settling the accounts between the State of Delaware and the United States; which, by order, was read and referred to a committee of three, to report thereon.

Whereupon Messrs. Vandyke, Tilton, and Laws are appointed committee for that purpose.

A statement of the accounts of John McKinly, Esquire, as ordered to by the House of Assembly, was read and concurred in.

Resolved, That the Speaker of Council sign the orders to be drawn in favor of the said John McKinly for the sums and in the manner as specified in the resolutions sent up by the House of Assembly, and concurred in by Council, are expressed.

motion,

Resolved, That Mr. Snow wait on the House of Assembly with the accounts of John McKinly, Esquire, and the statement thereon, and deliver the same to that House and acceded to by Council.

Who, being returned, reported he  
cording to order.

Council resumed the consideration  
for the more equal assessment of pro  
for other purposes therein mentioned  
therein, is deferred till to-morrow mo

Adjourned to 10 o'clock to-morrow

---

#### THURSDAY

Council met. Present all the me

Mr. Duff, a member of Assembly,  
to the Chair a bill entitled "An act to  
slaves from this State to either of th  
West Indies, and for other purposes  
concurrence of Council.

On motion, by order, the said bill

Council resumed the consideration  
for the more equal assessment of pro  
for other purposes therein mentione  
thereof, agreed to sundry amendmen  
sent to the House of Assembly for  
rence.

*Ordered,* That Mr. Neill wait on t  
deliver the said bill;

Who, being returned, reported th  
to order.

The committee to whom was refer  
now reported thereon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order, the report of the committee to whom was referred the letter of Mr. Winder, was read and acted upon, as follows:

WHEREAS it appears from the representation of Mr. Commissioner Winder that there remains in his office a few claims for supplies furnished and services rendered to the United States by citizens of this State, some of which he, the said Commissioner, cannot liquidate and settle without further evidence, and other of those claims, though sufficient evidence of the same, that none of the persons to whom they appear to be due, or any others authorized to receive them and give discharges, have applied to the Commissioner, and the term of his appointment will shortly expire; therefore

*Resolved*, That James Booth, Esq., the Secretary, is hereby appointed and authorized to receive from the Commissioner aforesaid all and every of the accounts and claims for supplies as aforesaid whereof the said Commissioner shall not have sufficient evidence, in his opinion, to liquidate and settle, and also all and every certificate which may be issued by the said Commissioner, in discharge of the balances of the aforesaid claims, which he may liquidate before the term of his office shall expire, belonging to or in favor of any citizen of this State; and that Mr. Secretary give his receipt to the Commissioner for the same, which, in the opinion of this General Assembly, ought to be considered as a sufficient voucher to discharge the said Commissioner from the claim of the parties entitled to such certificates or accounts.

*Resolved also*, That the Secretary forthwith, after such delivery and receipt from the Commissioner, notify the persons interested in such accounts and certificates of their being in his possession for their use, and on their respective applications to deliver over the same, taking receipts therefor, and from time to time report his proceedings in the premises to the General Assembly.

On motion,

*Ordered*, That Mr. Laws wait on to deliver Mr. Commissioner Winder's Message to the Council founded thereupon, for consideration.

Who, being returned, reported the same.

On motion, by order,

The bill entitled "An act to enable various denominations in this State to appoint Trustees to incorporate for the purpose of taking care of their respective congregations," was read a second time and adjourned to-morrow morning.

On motion, by order,

The bill entitled "An act to prevent the removal of slaves from this State to either of the Carolinas, or to the West Indies, and for other purposes," was read a second time and adjourned to-morrow morning.

Adjourned to ten o'clock to-morrow morning.

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FRIDAY, JANUARY 10, 1846

Council met. Present all the members.

The minutes of yesterday were read and approved.

Doctor Evans, a member of Assembly, delivered to the Chair a bill entitled "An act to give security for the faithful discharge of the duties of executors and administrators by their testators."

On motion, by order, the last mentioned bill was read a second time.

Agreeable to the order of the day, the bill was taken up for consideration. The bill entitled "An act to enable various denominations in this State to appoint Trustees to incorporate for the purpose of taking care of their respective congregations," was read a second time and adjourned to-morrow morning.

Adjourned to 3 o'clock, P. M.



EODEM DIE, P. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill, which, being read by paragraphs, sundry amendments were proposed and agreed to, and it shall pass.

On motion,

*Ordered*, That Mr. Snow wait on the House of Assembly with this bill, for their consideration and concurrence, with the petitions on that subject;

Who reported the delivery thereof.

Messrs. Laws and Neill have leave of absence until Tuesday evening next.

Adjourned to 10 o'clock to-morrow morning.

---

SATURDAY, January 20th, A. M.

Council met. Present all the members, except Messrs. Tilton, Neill, Laws, and Polk.

Mr. McCall, a member of Assembly, was admitted and returned to the Chair the bill entitled "An act for the amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" sent to that House for consideration and concurrence, with sundry amendments proposed thereto by the House of Assembly; which amendments were, on motion, by order, read.

Adjourned to 10 o'clock on Monday morning next.

MONDAY, J

Council met and adjourned to 10 o

---

Council met. Present all the members.  
Polk and Laws.

The minutes of Saturday were read.

Mr. Speaker laid a letter on the table.  
Esquire, addressed to him, recommending  
a person who is endeavoring to introduce  
into this country, &c.

On motion, by order, the letter was  
referred to a committee of three, viz: Messrs. V.  
who are to report thereon.

On motion, by order, the amendments  
of Assembly to the bill entitled "An act  
continuing the provisions made in the act  
auditing and arranging the accounts" were  
read a second time.

On motion, by order,

The bill entitled "An act to compel  
&c." was read a second time.

Adjourned to 3 o'clock, P. M.

## EODEM DIE, P. M.

ouncil met. Present the same members as in the forenoon.

The committee to whom was referred Mr. Dickinson's letter for Mr. Fitch, now reported that they had conversed with Fitch on the subject, that he informed them he had applied to the House of Assembly respecting the matter mentioned in the letter, and the committee, expecting the Council would receive communications from that House, thought it unnecessary to make further inquiry of Mr. Fitch relative thereto.

Adjourned to 10 o'clock to-morrow morning.

---

WEDNESDAY, January 24th, A. M.

ouncil met. Present all the members, except Messrs. Neill and Polk.

The minutes of yesterday were read.

Mr. Cannon, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple, hereinafter described, situate on Little St. Georges Creek, in St. Georges Hundred, in New Castle County, fronting the River Delaware, to keep the banks, dams, sluices and floodgates thereof in repair," with the petition of the owners and possessors thereof, and a newspaper, containing an advertisement giving notice of the intended application to the General Assembly for leave to amend in the said bill.

Mr. Gordon, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to appoint Edward Ham and Mary, his wife, trustees to take care of the property of Joseph Ensor, an idiot," together with a petition for leave to amend in such a bill, and two acts of the Legislature of the State

of Maryland thereon so far as the esta  
that State.

On motion, by order,

The bill entitled "An act for ame  
provisions made in the act entitled 'A  
arranging the accounts of this State, &  
sideration, with the amendments prop  
sembly thereunto, all of which was ag  
to which Council proposed amendmen

On motion,

*Ordered*, That Mr. Laws wait on th  
return the said bill and amendments,  
ments of Council, for their considerati

Who, being returned, reported the

Adjourned to 3 o'clock, P. M.

---

Council met. Present the same me

On motion, by order,

The bill entitled "An act to enable  
of a certain parcel of marsh, meadow  
Georges Creek, in New Castle County

On motion, by order,

The bill entitled "An act to app  
Mary, his wife, to take care of the pr  
idiot," with the petition and papers  
were read.

Mr. Neill, who had leave of absenc

Adjourned to 10 o'clock to-morrow

THURSDAY, January 25th, A. M.

Council met. Present all the members, Mr. Polk, who had leave of absence, having now appeared.

The minutes of yesterday were read.

On motion, ordered,

That the bill entitled "An act to prevent the exportation of slaves from this State, &c.," be taken up and considered tomorrow morning.

On motion, ordered,

That the bill entitled "An act to oblige executors to give security, &c.," be taken up and proceeded upon on Tuesday morning next.

Adjourned to 3 o'clock, P. M.

---

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act to appoint Edward Oldham and Mary, his wife, trustees of the estate of Joseph Ensor," was read, by paragraphs, and some amendments proposed thereunto.

On motion,

*Ordered*, That Mr. Polk wait on the House of Assembly and return the said bill with the amendments, as also the papers that accompanied the same;

Who, being returned, reported the delivery thereof.

Mr. Hayes, a member of Assembly, was admitted and de-

livered to the Chair the bill entitled continuing the provisions made in the auditing and arranging the accounts the amendments of Council to those to the first of which that House had d had agreed; also returned the bill en the religious denominations in this &c.," with some amendments propos

Adjourned to 10 o'clock to-morrow

---

FRID

Council met. Present all the mem

The minutes of yesterday were read

On motion, by order,

The amendments proposed by the bill entitled "An act to enable all the this State to appoint Trustees, &c.," tion—the first and third whereof were fourth disagreed to.

On motion,

*Ordered*, That Mr. Neill wait on t return the said bill and amendments t

Who, being returned, reported the

Agreeable to the order of the day, eration the bill entitled "An act to slaves to either of the Carolinas, &c spent therein, on motion, is referred t Messrs. Vandyke, Neill, and Tilton, t

On motion, by order, the several p Assembly, by Mr. Gordon, a member on the 26th of October, 1786, were

except the address from the commercial convention at Annapolis and the letter from the chairman of that convention, which were retained.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present the same members, and adjourned to 10 o'clock to-morrow morning.

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SATURDAY, January 27th, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

Doct. Evans, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to regulate marriages," for consideration and concurrence; and returned the resolutions of Council concerning Mr. Commissioner Winder's letter, concurred in by the House of Assembly.

On motion, by order, the said bill, to regulate marriages, was read.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," with the

amendments proposed by that House. Council had proposed amendments, the assembly had acceded.

On motion, ordered that the said bill

Adjourned to 10 o'clock on Monday

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MONDAY, Jan

Council met. Present the same members

On motion, by order, the minutes of the last meeting were read.

On motion, by order,

The bill entitled "An act to regulate the trade in slaves" was read a second time, and the question being put, it was unanimously rejected.

On motion,

*Ordered*, That Mr. Laws wait upon the committee with the aforesaid bill, as rejected by the Council.

Who reported the delivery thereof

Adjourned to 3 o'clock, P. M.

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Council met. Present the same members

The committee to whom the bill was referred, reported of slaves to either of the Carolinas, and the committee reported several amendments; which,

Adjourned to 10 o'clock to-morrow



TUESDAY, January 30th, 1787, A. M.

Council met. Present the same members.

The minutes of yesterday were read.

Mr. Gordon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: A resolution of that House respecting their adjournment on Saturday next to some future day; an act for securing to John Fitch an exclusive right of constructing the steamboat by him invented, &c.; the petition of John Fitch, with the papers accompanying the same; an act relinquishing the right of this State to the confiscated property late of James Welch, deceased, with the petition and other papers inclosed in the same; a supplementary bill to the act for the recovery of public money due from the estate of J. Vining, Esq.; the memorial of John Vining, and the report thereon; and the bill for the settlement of the Wilmington lottery, with a petition of William Smith, D. D., a petition of the Managers of the Wilmington Lottery, &c., and the article for appropriating the Wilmington lottery; all which papers were read.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present the same members.

The bill entitled "An act to compel executors to give security, &c.," was now taken into consideration, and several amendments proposed to the same, which were read and agreed to.

*Ordered*, That the aforesaid amendments be transcribed and sent to the House of Assembly for their consideration and concurrence; which was done accordingly.

*Ordered*, That Mr. Polk wait upon the House of Assembly

Who reported the delivery thereof

*Resolved*, That Council go into the  
entitled "An act for securing to John  
constructing the steamboat, &c.," to-

*Resolved unanimously*, That Council compose of transacting business after the evening.

*Ordered*, That Mr. Polk wait upon the committee with the foregoing resolution;

Who delivered the same according

Adjourned to 10 o'clock to-morrow

WEDNESDAY, J.

Council met. Present all the mem

The minutes of yesterday were read

Agreeably to the order of yesterday for securing to John Fitch an exclusive steamboat by him invented, &c.," was after some time spent therein, the same consideration.

On motion, by order,

The bill entitled "A supplement to the recovery of one thousand five hundred and eighteen shillings and six pence, due

ing, Esq., &c.,' " was read a second time, and several amendments proposed thereto, which were agreed to.

*Ordered*, That the said amendments be transcribed, and that Mr. Polk wait upon the House of Assembly with the aforesaid bill and the amendments proposed thereto, for their consideration and concurrence;

Who reported the delivery thereof.

The Council now took into their consideration the bill entitled "An act for relinquishing the rights of this State to the confiscated property late of James Welsh, deceased," and an amendment to the same was proposed and agreed to.

*Ordered*, That the aforesaid amendment be transcribed, and that Mr. Polk wait upon the House of Assembly with the said bill and the amendment proposed thereto;

Who reported the delivery thereof.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M. •

Council met. Present all the members.

On motion, by order,

The bill entitled "An act for the settlement of the accounts of the Wilmington lottery," was read a second time.

On motion, by special order, the said bill was read by paragraphs, and some amendments proposed and agreed to.

*Ordered* to be transcribed, and that Mr. Snow wait on the House of Assembly therewith, with the papers that accompanied the same;

Who reported the delivery thereof.

Mr. Hayes, a member of Assembly, was admitted and deliv-

ered to the Chair the bill entitled "to give security, &c.," with some amendments of Council, and acceded to.

*Ordered*, That Mr. Snow wait on return the said bill and amendments of Council, now acceded to;

Who reported the delivery thereof

On motion, by order,

The bill entitled "An act to prevent either of the Carolinas, &c.," was read, and several amendments were

*Ordered*, That the said amendments be referred to the House of Assembly for their consideration.

Adjourned to 10 o'clock to-morrow

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FE

Council met. Present all the members

The minutes of yesterday were read

*Ordered*, That Mr. Neill wait upon with the bill entitled "An act to regulate slaves, &c., with the amendments proposed

Who reported the delivery thereof

Mr. Davis, a member of Assembly, presented to the Chair the following papers: The petition of William Killen, Esq., praying the same; an act for enabling a mill-dam across Mispillion Creek, &c., praying the same.

On motion, by order,

The bill entitled "An act for enabling Sydenham Thorne to erect a mill-dam across Mispillion Creek, and for the condemnation of a small piece of fast land on the Sussex side of the said creek for the use of a grist-mill," with the petition and remonstrance for and against the said bill, and the report of a committee of Assembly upon that business, were severally read.

Also the petition of William Killen, Esquire, on the subject of Col. Haslet's affairs, the petition of the children of Col. Haslet, and the report of the Auditor thereon, were severally read.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

Mr. Polk, a member of Assembly, attending, was admitted and delivered to the Chair the bill entitled "An act to prevent the exportation of slaves, &c.," with a paper of amendments proposed by that House to the amendments proposed by Council to the aforesaid bill.

On motion, by order,

The bill for securing to John Fitch an exclusive right of constructing and using the steamboat, &c., was read the third time by paragraphs and passed the House.

On the question being put, "Whether Council agreed to the first paragraph?" it was carried in the affirmative; upon which the yeas and nays were required by Mr. Read, and are as follows:

*Yeas*—Mr. J. Tilton, Mr. John Baning, Mr. Silas Snow, Mr. Nicholas Vandyke, Mr. Daniel Polk, Mr. Henry Neill.

*Nays*—Mr. Read, Mr. Laws.

The question being put upon the second paragraph, it was

carried in the affirmative. The yeas above, and were as upon the first pa

*Ordered*, That Mr. Neill wait up with the bill for securing to John constructing and using the steambo Council; and the bill to prevent the with the paper of amendments propo the paper of amendments proposed to those proposed by Council, as ag

Who, being returned, reported th

On motion, by order, the petition and the children of Col. Haslet, an thereon, were severally read, and agreed to, which follows in these wo

The Auditor of Accounts, to who of William Killen, Esq., executor of begs leave to report:

That he has had a conference with subject of his said petition, and has be settlement of Col. Haslet's account of Assembly on the 5th of June, 18 Council on the 8th of December fol of £234 : 13 : 11 due to the estate of tioner alleges was paid to him on the it was worth only £7 : 15 : 5 in speci Haslet's estate suffered greatly by th which came to his hands; neverthele two thousand dollars last received by States, in certificates of final settle amounts due from the said States to the late American army, provided th ment of the said two thousand dollar

The Auditor, upon considering th is of opinion that this State may wi posal of the petitioner; that the sai then be settled in a general account which account the certificates of final and accepted as a credit. That with

on the said sum, it is the opinion of the Auditor that the petitioner's testator's estate should be charged with it, and that the interest due on the certificates of final settlement to be given in exchange should be calculated up to the time of exchange.

ELEAZER McCOMB.

*Auditor's Office, June 15th, 1786.*

In the House of Assembly, Wednesday, P. M., January 31, 1787, read, considered and agreed to.

JAS. BOOTH, *Cl'k of Assembly.*

In Legislative Council, February 1, 1787, P. M., read and concurred in.

JAMES SYKES, *Cl'k of Council.*

Resolve to be entered upon the Auditor's report upon the petition of William Killen, Esq., as executor of the late Col. John Haslet, proposed by the Council to the House of Assembly:

IN THE COUNCIL, THURSDAY, P. M., February 1, 1787.

*Resolved*, That the State Treasurer be and he hereby is appointed and authorized to receive from William Killen, Esq., as executor of Col. John Haslet, deceased, certificates of final settlement to the nominal amount of the said sum of two thousand dollars, with the interest accrued thereon at the time of such receipt, allowing so much interest as may be due on such certificates, in discharge of so much interest due on the said two thousand dollars; and that the said State Treasurer give his certificate of such receipt to the said executor, and that the Delaware State be from thenceforth considered as accountable to the United States for the said sum of two thousand dollars, as last received by the said Col. John Haslet from the Treasury of the United States for the purpose of raising his new regiment.

*Ordered*, That the above report of the Auditor, with the resolve and the above mentioned petition, be sent to the House of Assembly; that Mr. Laws wait upon the House with the same;

Who reported the delivery thereof accordingly.

On motion, by order,

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The bill entitled "An act for enal erect a mill-dam, &c.," was read a postponed until to-morrow morning f

Adjourned to 10 o'clock to-morrow

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FRID.

Council met. Present all the mem

The minutes of yesterday were rea

Agreeable to the order of the day consideration of the bill entitled "A Thorne to erect a mill-dam across M after some time spent therein, a moti that the further consideration thereof the parties interested could have noti heard in the premises; which question negative.

On motion of Mr. Tilton, that the entered, it was ordered accordingly, a

*Yeas*—Mr. Read, Mr. Snow, Mr. M

*Nays*—Mr. Vandyke, Mr. Tilton, Neill.

Mr. Dingle, a member of Assemb and delivered to the Chair the follow sage from the President; an act for en lished by Congress to liquidate and s the United States and individual S witnesses, &c.; an act for the supp seamen, citizens of this State, who service of the United States; a bill fo hundred pounds for the service of the New Castle County for a speedy coll taxes; the report of the committee up



a petition of John Darby, and the Auditor's report thereon; a letter from the Secretary of Congress, with two inclosures; the resolution of Council on the Auditor's report on the petition of William Killen, Esq., as concurred in by the House of Assembly.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order, the several papers delivered to the Chair in the forenoon were read.

On motion,

The bill entitled "An act for raising £10,500 for the service of the year 1787," by special order, was read a second time and referred to a committee of three, to wit: Messrs. Vandyke, Read and Tilton, who are to report thereon.

On motion, ordered

That Mr. Read be a committee to prepare and bring in a bill for appointing Commissioners to meet the convention of the United States to be held on the second day of May next, at the City of Philadelphia, for the purpose of revising the Articles of Confederation.

Council now resumed the consideration of the bill for enabling Sydenham Thorne to erect a mill-dam, &c., and several amendments were proposed and agreed to.

*Ordered*, That the said amendments be transcribed, and that Mr. Neill wait upon the House of Assembly with the said bill and the amendments proposed by Council to the same, for their consideration and concurrence;

Who reported the delivery thereof accordingly.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY

Council met. Present all the members.

On motion, by order,

The bill entitled "An act for the relief of seamen, citizens of this State, who have served in the service of the United States," was read.

On motion, by special order, the bill was passed by paragraphs and it shall pass.

*Ordered*, That Mr. Neill wait on the Council to return the same;

Who, being returned, reported the same.

Mr. Read now laid on the table a bill entitled "An act appointing Deputies from this State to be held in the City of Philadelphia for the purpose of forming the Federal System;" which, by order,

Mr. McCall, a member of Assembly, presented to the Chair a bill entitled "An act to regulate the importation of spirituous liquors imported into this State." It was read.

On motion, by special order,

The bill entitled "An act appointing Deputies from this State to be held in the City of Philadelphia for the purpose of forming the Federal System, &c.," was read the third time by paragraphs, and it shall pass.

On motion,

*Ordered*, That Mr. Laws wait on the Council to deliver to the said bill, for their consideration and report.

Who reported the delivery thereof.

Mr. Grantham, a member of Assembly, presented and delivered to the Chair a bill entitled "An act for defraying the expenses of the Justices of the Peace."

and Court of Oyer and Terminer," with a memorial of William Killen and David Finney, Esquires, &c., the excise bill, &c.; which said papers were severally read.

Mr. Dingle, a member of Assembly, attending, was admitted and delivered to the Chair the resolution of that House accepting and agreeing to the proposals of Mr. Read for revising the laws, with the said proposals, which were read.

*Ordered*, That Mr. Snow wait upon the House of Assembly with the Auditor's bill and the papers of amendments proposed to the same, and an additional amendment proposed to the said bill by Council, with the following verbal message from Council to the House of Assembly:

*Gentlemen :*

The Council, from the shortness of the time prescribed by your honorable House for the present session, have departed somewhat from the usual mode of transacting business, in the offering another amendment, different from their former one, disagreed to by your honorable House, to the third amendment proposed by the House of Assembly to the Auditor's bill, to wit: that of adding twenty-five pounds to the one hundred pounds set down in your said third amendment; for that the continuance and regular keeping up of that office is of great importance and use to this State, and it is most likely that a person who hath already been exercised in the duties of such an office would be presently most competent for the immediate execution of the various duties thereof, and, in the opinion of this House, it is probable that if the present Auditor should be reëlected he might accept thereof for such annual allowance.

On motion, by special order,

The bill providing for defraying the expenses of the Justices of the Supreme Court, was read a second time and passed the House.

*Ordered*, That Mr. Neill wait upon the House of Assembly with the said bill and the memorial of Wm. Killen and David Finney, Esquires, &c.;

Who reported the delivery thereof accordingly.

Adjourned to 3 o'clock, P. M.

Council met. Present all the members.

Council being informed that James Cannon, Sergeant-at-Arms to this House, had been called to Dover to the village called Mifflin, it would be inconvenient, both to the House and James, to be continued in that station, offering himself to perform that duty, he is therefore appointed Doorkeeper and Clerk of the House.

Mr. Shankland, a member of the House, being called, was admitted and returned to the House with the verbal message from this House to the Assembly, thus acted upon in that House:

#### IN THE HOUSE OF ASSEMBLY

This House having taken the said message, resolved to propose that the sum of three hundred dollars be paid as salary of the Auditor.

JAS. BOYD

Thus acted upon in Council, February 1st, 1838, and agreed to.

JAMES CANNON

*Ordered*, That Mr. Snow wait upon the Auditor with the Auditor's bill, and the verbal message to the House of Assembly;

Who, being returned, reported the same accordingly.

Mr. Cannon, a member of Assembly, being called, turned to the Chair the bill entitled "An Act to provide for the duties from this State to the Convention of 1838," and presented to the same; the letter from Governor Cannon to the following verbal message:

## A VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

*Gentlemen:*

The House of Assembly propose to the honorable the Council that both Houses meet, in the Council Chamber, forthwith, for the purpose of nominating and balloting for Deputies to attend the proposed convention for revising the Federal Constitution; for an Auditor for this State, and for a Delegate to Congress, to supply the place of Gunning Bedford, the elder, Esq., who hath declined to accept of that appointment.

Saturday, P. M., Feb. 3, 1787.

The committee to whom the bill for raising £10,500, &c., was committed, now brought in their report; which was read.

Upon the motion being made and seconded, that Council should proceed presently to the consideration of the said report, the question was put, and the yeas and nays were required by Mr. Tilton, and are as follows:

*Yeas*—Mr. Tilton, Mr. Snow, Mr. Neill, Mr. Vandyke.

*Nays*—Mr. Read, Mr. Baning, Mr. Polk, Mr. Laws.

So the House being divided, the Speaker gave his vote against the motion.

*Ordered*, That Mr. Polk wait upon the House of Assembly with the act appointing Deputies, &c., with the paper of amendments proposed by that House to the said bill, and an amendment proposed by Council to the first mentioned amendments;

Who, being returned, reported the delivery thereof.

Mr. Davis, a member of Assembly, attending, was admitted and delivered to the Chair the memorial and appeal of George Read, with the several papers accompanying the same, together with the decision of that House on the said appeal, which follows. The papers severally were read.

IN THE HOUSE OF ASSEMBLY, February 3, 1787.

The House took into consideration that part of the Auditor's report from which George Read, Esq., appealed; and thereupon

*Resolved*, in favor of the appeal six pounds five shillings be added to the Auditor to be due from this State to

JAMES BO

Concurred in by Council.

JAMES

On motion,

*Ordered*, That Mr. Laws wait on the engrossed bill for incorporating the order, had been signed by the Speaker, and the several papers concerning Mr. Read's dissent to the resolution thereon, to which Council

Who, being returned, reported the

*Ordered*, That Mr. Neill wait upon the bill appointing Deputies, &c.

*Ordered*, That Mr. Snow wait on the verbal message:

*Gentlemen:*

The Council agree to the proposition of this afternoon to meet, in the evening, with, for the purpose of nominating a convention for revising the Fundamental Laws of this State, and a Delegation to the place of Gunning Bedford, Esq., to accept of that appointment.

Doct. Evans, a member of Assembly, read to the Chair the several laws passed, and the resolution for affixing the Great Seal.

Adjourned to 10 o'clock on Monday

MONDAY, February 5th, A. M.

Council met. Present all the members.

Council proceeded to take into consideration the report of the committee on the bill entitled "An act for raising £10,500 for the service of the year 1787," and after sundry debates thereon, a question was proposed and put, "Do Council agree to the report so far as relates to providing for the requisition of Congress of the 2d of August last for 56,512 dollars?" which passed in the negative.

On motion of Mr. Tilton, that the yeas and nays on the above question be entered on the minutes, it was ordered accordingly, and are as follows, to wit:

*Yeas*—Mr. Vandyke, Mr. Tilton, Mr. Snow.

*Nays*—Mr. Neill, Mr. Polk, Mr. Banning, Mr. Read, Mr. Laws.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present all the members, and resumed the consideration of the bill for raising £10,500 for the service of the year 1787, and sundry amendments were proposed and agreed to to Section 17, inclusive. Then, upon reading Sections 18 and 19, a motion was made for introducing an amendment to precede the said Sections 18 and 19, as follows, to wit: "An act for extending the time for collection of the unpaid State tax directed to be raised in the year 1786;" in order to form those two sections, viz: 18 and 19, into a separate act; and, upon the question, it was determined in the affirmative.

Whereupon the yeas and nays were required by Dr. Tilton, and they are as follows:

*For the affirmative*—Mr. Read, Polk, Mr. Snow.

*For the negative*—Mr. Tilton, Mr.

Then the question being put upon into a separate act, it was determined yeas and nays being called for were preceding motion.

*Ordered*, That Mr. Neill wait on the last mentioned bill and the amendment Council, for the consideration and con

Who, being returned, reported the

Mr. Porter, a member of Assembly and delivered to the Chair resolution of thanks to the Delegates in Congress, and follow in these words:

#### IN THE HOUSE OF ASS

On motion,

*Resolved*, That each of the Delegates in Congress of the United States be allowed for every day he shall attend in the discharge thereof, and also the same sum per diem for going thereto and returning therefrom from this State to the Convention of Philadelphia, for the purpose of resolution, be allowed the like sum for every day he shall attend in the discharge thereof, and also the same sum per diem for going thereto and returning therefrom

*Resolved also*, That the President of this State for the time being, upon producing an account of his attendance, be authorized to draw an order on the State Treasurer, for the payment of the same, and the order and receipt, shall be a sufficient voucher in the settlement of his account.

Sent for concurrence.

JAS. BO



On motion, by order, the resolutions of the House of Assembly declaring the allowance to the Delegates from this State to Congress, and the Deputies to the Convention for revising the Federal Constitution, were read, and an amendment proposed and agreed to.

*Ordered*, That Mr. Laws wait on that House with the same for concurrence.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair the following papers, to wit: A letter from the Auditor, of this day, also reports of the Auditor, of the 2d February, 1785, 4th November, 1785, 14th and 20th January, 1786, and 15th January, 1787, and do. on the petition of Esther Mackey, of same date.

Mr. Shankland, a member of the House of Assembly, was admitted and returned the resolutions for ascertaining the allowance to the Delegates, &c.

Adjourned to 10 o'clock to-morrow morning.

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TUESDAY, February 6th, A. M.

The order in favor of John McKinly, by order, was signed by the Speaker.

Mr. Shankland, a member of Assembly, attending, was admitted and delivered to the Chair two engrossed bills, the one for extending the time of collection of the unpaid State tax directed to be raised in the year 1786, the other, the bill entitled "An act for raising £10,500 for the service of the year 1787;" a resolution of the House of Assembly for affixing the Great Seal to the above laws; also a resolution of said House instructing the Delegates to Congress from this State to urge Congress to direct the Commissioner of the Continental Loan Office of this State to receive the indents that may be collected from the citizens from this State in discharge of the requisition of Congress of the 27th September, 1785.

The resolution respecting the Great Seal was concurred in, and the above laws were, by order, signed by the Speaker and

sent to the House of Assembly by M  
for affixing the Great Seal;

Who, being returned, reported th

The Council allowed the following

To the Honorable George Craghead  
days' attendance and mileage,  
To George Read, Esq., for do. do.,  
To Nicholas Vandyke, Esq., for do.  
To Silas Snow, Esq., for do. do.,  
To James Tilton, Esq., for do. do.,  
To John Baning, Esq., for do. do.,  
To Henry Neill, Esq., for do. do.,  
To Daniel Polk, Esq., for do. do.,  
To Alexander Laws, Esq., for do. d  
To James Sykes, Clerk, for 26 days'  
for engrossing, paper, &c., . . .  
To Mrs. Elizabeth Battell, for the use  
wood and candles, . . . . .  
To James Newnam, Doorkeeper a  
Arms, . . . . .

Additional allowance for 3 days after

Total amount, . . . . .

To the Honorable George Craghead  
To George Read, Esq., . . . . .  
To Nicholas Vandyke, Esq., . . .  
To Silas Snow, Esq., . . . . .  
To James Tilton, Esq., . . . . .  
To John Baning, Esq., . . . . .  
To Henry Neill, Esq., . . . . .  
To Daniel Polk, Esq., . . . . .  
To Alexander Laws, Esq., . . . .  
To James Sykes, Clerk, . . . . .  
To James Newnam, Doorkeeper, &c

*Ordered*, That Mr. Snow wait on the House of Assembly with the several reports of the Auditor, agreed to by Council, and a resolution of Council, drawn thereon, empowering the President or Commander-in-Chief to draw orders in favor of the respective persons for the several sums as in those reports are mentioned and specified upon the State Treasurer, payable out of any money in his hands not heretofore specially appropriated;

Who, being returned, reported the delivery thereof.

Council being informed, by the verbal message of the House of Assembly, that the honorable the House of Assembly had this day adjourned the present sessions to Monday, 28th day of May next, on motion,

*Resolved*, That Council do now adjourn to the same day.

## MEMBERS'

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### FOR NEW CASTLE

GEORGE CRAGHEAD, *Speaker*,  
NICHOLAS VAUGHAN

### FOR KENT COUNTY

SILAS SNOW,                      JAMES TILTON

### FOR SUSSEX COUNTY

HENRY NEILL,                      DANIEL POLLOCK

# VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

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ADJOURNED SESSION, MAY, 1787.

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MAY 28th, 1787.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Thursday, the 31st of the same month, when there appeared as follows:

*For New Castle County*—George Craghead, Esq., Speaker.

*For Kent County*—James Tilton, Silas Snow, John Baning.

*For Sussex County*—Daniel Polk, Alexander Laws.

On motion, by order, the bill entitled "An act laying an impost on spirituous liquors imported into this State, and for other purposes," was read and referred to a committee of three, to wit: Messrs. Tilton, Polk, and Snow.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present the same members, and adjourned to 10 o'clock to-morrow morning.

Council met. Present the same members.

The minutes of yesterday were read.

On motion, that as a committee on the meeting of Council in the month of March, Messrs. Read, Joshua Polk, and Tilton, have introduced a bill for straightening the roads of this State, and that Mr. Read is absent from the appointment of the General Assembly, the Federal Convention, and Mr. Joshua Polk is of this House, and as the business was necessary to be completed, it was therefore ordered that Mr. Speaker and Mr. Tilton be appointed in the room of the committee in the room of Messrs. Read.

Adjourned to 3 o'clock, P. M.

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Council met. Mr. Vandyke appeared.

Adjourned to Saturday, 10 o'clock.

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SA

Council met and adjourned to Monday.

MONDAY, June 4th, A. M.

Council met.

On motion of Mr. Vandyke, for leave to bring in a bill to alter the judgment at common law against persons convicted of petit treason, the same was granted; whereupon Mr. Vandyke laid a bill for that purpose on the table; which bill, on motion, by order, was read.

On motion, by special order, the said bill was read a second time.

On motion, the same bill was read a third time by paragraphs, passed the House, and ordered to be transcribed and sent to the House of Assembly for consideration and concurrence.

On motion,

*Ordered*, That Mr. Laws wait on the House of Assembly with the transcribed bill for altering the judgment in petit treason;

Who, being returned, reported the delivery thereof.

Adjourned to ten o'clock to-morrow morning.

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TUESDAY, June 5th, A. M.

Council met. The minutes of yesterday were read.

Mr. Moore, a member of Assembly, attending, was admitted and returned to the Chair the bill entitled "An act to alter the judgment at common law against persons convicted of petit treason," with some amendments proposed by that House; which, on motion, by order, were read and agreed to.

On motion, ordered that the said bill be engrossed.

Adjourned to 3 o'clock, P. M.

Council met.

The engrossed bill entitled "An  
common law against persons convicted  
and compared according to the amer

*Ordered*, That Mr. Snow wait on  
the said engrossed bill;

Who, being returned, reported th

Mr. Gordon, a member of Assem  
and returned the bill for altering th  
signed by the Speaker of the House

*Ordered*, That the said bill be si  
House; which was done accordingly

Mr. Gordon also delivered to th  
House of Assembly for affixing the  
law, which follows in these words:

IN THE HOUSE OF A

On motion,

*Resolved*, That the President or C  
Great Seal of this State to the follow

"An act to alter the judgment at  
convicted of petit treason."

Sent for concurrence.

JAS. BO

In Council, same day, read and co

JAMES

*Ordered*, That Mr. Polk wait on  
return the last mentioned bill and res  
Seal thereunto, agreed to by Council

Who, being returned, reported th

Adjourned to 10 o'clock to-morro



WEDNESDAY, June 6th, A. M.

Council met. The minutes of yesterday were read.

Mr. Speaker laid on the table a resolution of the House of Assembly, relating to the time of the adjournment of that House, which had been delivered to him by Mr. Evans, a member of Assembly, after the adjournment of Council.

On motion, by order, the said resolution was read, and follows in these words:

IN THE HOUSE OF ASSEMBLY, June 5th, 1787.

On motion,

*Resolved unanimously*, That this House intend, to-morrow evening, to conclude the present session by adjourning the same to some future day.

*Ordered*, That Mr. Evans wait on the Council with a copy of the said resolution for their information.

JAS. BOOTH, *Cl'k of Assembly*.

On motion,

The bill entitled "An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple, hereinafter described, situate on Little St. Georges Creek, in St. Georges Hundred, in New Castle County, fronting the River Delaware, to keep the banks, dams, sluices and floodgates thereof in repair," was read a second time.

On motion and on the question, the said bill passed the House.

*Ordered*, That Mr. Polk wait on the House of Assembly and return the same, with the petition and newspaper that accompanied the same;

Who, being returned, reported the delivery thereof.

The committee to whom was referred the bill entitled "An act laying an impost on spirituous liquors imported into this State,

and for other purposes," now reported some amendments thereunto, which they submitted to the House.

On motion, ordered that the same be read; which was done accordingly.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Mr. Neill appeared and took his seat.

Mr. Cannon, a member of Assembly, was admitted and delivered to the Chair a resolution of that House respecting the meeting of both Houses in the Council Chamber; which, on motion, by order, was read, and follows in these words:

IN THE HOUSE OF ASSEMBLY, June 6, 1787, P. M.

On motion,

*Resolved*, That Mr. Cannon wait on the Council, and propose to that honorable body that both Houses of the General Assembly meet in the Council Chamber at six o'clock this afternoon, and put in nomination persons out of whom shall be elected, by ballot, a Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, to supply the vacancy occasioned therein by the death of Abraham Robinson, Esq.; and also a Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, to supply the vacancy occasioned by the appointment of Thomas Collins, Esq., to the Presidency of this State.

JAS. BOOTH, *Cl'k of Assembly*.

In the Council, June 6th, 1787, P. M., read and concurred in.

JAMES SYKES, *Cl'k of Council*.

On motion,

*Ordered*, That Mr. Snow wait on the House of Assembly and return the above resolution, concurred in by Council;

Who, being returned, reported the delivery thereof according to order.

In pursuance of the joint resolution of both Houses, the two Houses met, in the Council Chamber, and put in nomination the following persons from whom to appoint a Justice of the Court of Common Pleas and Orphans' Court of the Counties of New Castle and Kent:

FOR NEW CASTLE COUNTY,

Mr. Grantham names Mr. Porter.

Mr. Vandyke names Mr. Craghead.

FOR KENT COUNTY,

Mr. Rodney names Mr. Smith as Chief Justice.

Mr. Rodney names Mr. Carty.

Mr. McCall names Mr. Cook.

Mr. Gordon names Mr. Clayton.

Then the two Houses separated.

The Council took into consideration the amendments to the bill entitled "An act for laying an impost on spirituous liquors, &c.," and after some time spent therein the same were agreed to, and ordered to be transcribed and sent to the House of Assembly for concurrence.

Adjourned to 10 o'clock to-morrow morning.

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THURSDAY, June 7th, A. M.

Council met. The minutes of yesterday were read.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair a verbal message from that House in the following words:

VERBAL MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

*Gentlemen :*

The House of Assembly propose to the honorable the Council

that both Houses of the General Assembly meet, in the Council Chamber, at 12 o'clock this day, and proceed to the appointment by ballot of persons to fill the vacancies in the Court of Common Pleas and Orphans' Court for the Counties of New Castle and Kent.

Thursday, A. M., June 7th, 1787.

*Ordered*, That Mr. Neill wait on the House of Assembly with the bill for laying an impost on spirituous liquors, and the amendments proposed thereunto by Council;

Who, being returned, reported the delivery thereof.

On motion, Council took into consideration the proposals of George Read, Esquire, concerning the revising the laws of this State, and the resolution of the House of Assembly accepting and agreeing to the said proposals; and upon the question, "Do Council concur with the House of Assembly in that resolution?" it passed in the negative.

*Ordered*, That Mr. Laws wait on the House of Assembly and return the said proposals and resolution thus acted upon by Council.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met.

Mr. Laws reported the delivery of the proposals of Mr. Read, and resolution of the House of Assembly thereon, to that House, according to order.

On motion, the House proceeded to the nomination of persons, one of whom to be elected, to fill up the place of Major James Black in the Privy Council, whose time is expired.

Mr. Laws names Silas Snow, Esquire.

Mr. Tilton names Eleazer McComb, Esquire.

On motion,

*Resolved*, That Council will, to-morrow morning, proceed to the balloting for a Privy Councillor in the room of Major Black.

Mr. Grantham, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act for extending the time for collection of the unpaid State tax directed to be raised in the year 1786."

On motion, by order, the said bill was read.

Adjourned to 10 o'clock to-morrow morning.

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FRIDAY, June 8th, A. M.

Council met. The minutes of yesterday were read.

Mr. Porter, a member of Assembly, was admitted and delivered to the Chair a bill entitled "A further supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts;'" also a resolution of that House of their intention to conclude the present session this evening by adjourning the same to some future day.

On motion, by order, the said bill was read.

On motion, by special order, the said bill was read a second time.

Mr. Charles Polk, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act for appropriating the sum of £10,500."

On motion, by order, the said bill was read.

Mr. McCall, a member of Assembly, was admitted and delivered to the Chair a bill entitled "A further supplement to an act entitled 'An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any law of this State, passed under

the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned.' "

On motion, by special order, the bill entitled "An act for appropriating the sum of £10,500, was read a second time.

On motion, by order,

The bill entitled "A further supplement to an act for calling in and destroying such of the Bills of Credit emitted, &c.," was read.

On motion, the bill for appropriating the sum of £10,500, was read by paragraphs and passed the House.

On motion,

*Ordered*, That Mr. Neill wait on the House of Assembly with the supplementary bill for the more easy and speedy recovery of small debts, with some amendments proposed by Council thereunto; also the bill for appropriating the sum of £10,500, which had passed Council.

On motion, by special order,

The bill entitled "A further supplement to an act for calling in and destroying Bills of Credit, &c.," was read a second time by paragraphs and passed the House.

*Ordered*, That Mr. Neill wait on the House of Assembly and return the last mentioned bill, which had passed the Council;

Who, being returned, reported that he had delivered the above acts according to order.

On motion, by order,

The bill for extending the time of collection of the unpaid State tax directed to be raised in 1786, was read a second time.

Agreeable to the order of the day, Council proceeded to ballot for a Privy Councillor, and the votes being taken by the Speaker and read, it appears that Eleazer McComb, Esq., was elected by a majority of votes, and is declared duly elected.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Broom, a member of Assembly, attending, was admitted and returned to the Chair the supplementary bill to the act for the more easy and speedy recovery of small debts, with the amendments of Council, to the first of which they had disagreed, and to the second agreed; whereupon Council, after considering their first amendment, receded therefrom and proposed an additional amendment.

*Ordered*, That Mr. Laws wait on the House of Assembly and return the last mentioned bill, thus acted upon by Council;

Who, being returned, reported that he had delivered the same according to order.

The Council took into consideration the bill entitled "An act for extending the time for collection of the unpaid State tax directed to be raised in the year 1786," and after some time spent therein, the question was put and the bill rejected.

*Ordered*, That Mr. Snow wait on the House of Assembly and return the said bill, thus acted upon by Council:

Who, being returned, reported the delivery thereof.

Mr. Shankland, a member of Assembly, was admitted and delivered to the Chair the following bills, signed by the Speaker of the House of Assembly, to wit:

"An act for appropriating the sum of £10,500;"

"A further supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts;'"

"A further supplement to an act entitled 'An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned;'" and

"An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple, hereinafter described,

situate on Little St. Georges Creek, in St. Georges Hundred, in New Castle County, fronting the River Delaware, to keep the banks, dams, sluices, and floodgates thereof in repair."

Also, a resolution of the House of Assembly for affixing the Great Seal to the above mentioned bills; which was concurred in by Council.

On motion, the foregoing bills were compared and ordered to be signed by the Speaker; which was done accordingly.

*Ordered*, That Mr. Neill wait on the House of Assembly with the above laws and resolution;

Who, being returned, reported the delivery thereof.

Adjourned to 6 o'clock to-morrow morning.

### SATURDAY, June 9th, A. M.

Council met, and proceeded to the settlement of the expenses of this sitting, and the following accounts were allowed, viz :

To the Hon. George Craghead, Esq., Speaker, for 13 days' attendance in Council and mileage, . . . . .	£	13	6	0
To Nicholas Vandyke, Esq., for ditto, . . . . .		6	11	4
To Silas Snow, Esq., for ditto, . . . . .		8	2	8
To James Tilton, Esq., for ditto, . . . . .		7	16	0
To John Banning, Esq., for ditto, . . . . .		7	16	0
To Daniel Polk, Esq., for ditto, . . . . .		7	18	0
To Alexander Laws, Esq., for ditto, . . . . .		7	14	0
To Henry Neill, Esq., for ditto, . . . . .		3	18	0
To James Sykes, Clerk, . . . . .		8	10	6
To Mrs. Elizabeth Battell, for the use of a room, . .		7	10	0
To Benjamin Crooks, Doorkeeper, . . . . .		5	2	6

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£84 5 0

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*Ordered*, That the Speaker sign orders on the State Treasurer in favor of the above persons for the sums above mentioned; which was done accordingly.

On motion,

*Ordered*, That the Minutes of Council be transcribed by the Clerk from their sessions in October, 1783, to the present, both inclusive, and that Messrs. Tilton and Sykes correct the same, and have two hundred copies thereof printed before the next meeting of the General Assembly.

Adjourned to 27th of August next.



# VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

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ADJOURNED SESSION, AUGUST, 1787.

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At a meeting of the Council, by adjournment, August 27th, 1787, a sufficient number of the members not having appeared to form a quorum, they adjourned from day to day until Thursday, the 30th of this instant, when the following gentlemen appeared, viz:

*For New Castle County*—The Hon. George Craghead, Esq., Speaker; Nicholas Vandyke.

*For Kent County*—Silas Snow, James Tilton, John Baning.

On motion, ordered

That Messrs. Vandyke and Tilton wait on his Excellency, the President, and inform him that Council was sitting and ready to receive any business that he may have to lay before them.

The gentlemen, being returned, report that they had waited on his Excellency, the President, according to order, and that he was pleased to say that he had several public communications in his possession, which, if Council thought it necessary, he was ready to lay before them.

On motion, ordered

That Mr. Snow wait on his Excellency and receive these communications from his hands and present them to Council.

Mr. Snow, being returned, reported that he had waited on his

Excellency, the President, agreeable to order, and that he was pleased to say the papers before mentioned were not in such order as he would wish to present them in to Council, that he had not been explicit enough on the subject when the Committee waited on him, nor had he any message prepared, but that if the Council thought it proper to sit on the morrow he would have the papers in order.

Adjourned to eight o'clock to-morrow morning.

FRIDAY, August 31st, A. M.

Council met. Present the same members.

The Clerk of Council delivered to the Chair a message from his Excellency, the President to the Council, accompanied by the following papers: a letter from the Secretary of Congress, of the 2d July last, with its inclosures; one of the 12th of the same month, with a copy of a treaty between the United States of America and the Emperor of Morocco; one of the 14th, with its inclosures; one of the 31st, with its inclosures; also a letter from the Secretary of Foreign Affairs, of the 3d July, with its inclosures; which, by order, were severally read.

Then the following accounts were allowed:

To the Hon. George Craghead, Esq., Speaker, for 5 days' attendance and mileage, . . . . .	£ 6 2 0
To Nicholas Vandyke, Esq., for 3 days' attendance and mileage, . . . . .	2 18 0
To James Tilton, Esq., for 2 days' attendance, . . . . .	1 4 0
To John Banning, Esq., for do., . . . . .	1 4 0
To Silas Snow, Esq., for do. and mileage, . . . . .	1 10 8
To James Sykes, for 5 days, . . . . .	3 2 6
To Benj. Crooks, for do., . . . . .	2 12 6
To Mrs. Battell, for use of a room, . . . . .	2 15 0

£ 21 8 8

Adjourned to 20th day of October next.

# VOTES AND PROCEEDINGS

## OF THE

### COUNCIL OF THE DELAWARE STATE.

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At a session convened at Dover, on the twentieth day of October, in the year of our Lord one thousand seven hundred and eighty-seven, divers of the members met, but the number not being a quorum, they adjourned from day to day until Thursday, the twenty-fifth of the same month.

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THURSDAY, A. M., October 25th, 1787.

It appears by the returns of the officers of the Counties of New Castle and Kent, appointed by law to be Judges of Elections, that on the first day of October instant, at the usual places of election for the said Counties, the following gentlemen were chosen to represent the said Counties respectively as members of the Legislative Council of the Delaware State, for three years next ensuing the said election, to wit :

*For New Castle County*—Thomas McDonough.

*For Kent County*—John Cook.

All the members of the Council now appeared except Messrs. Vandyke, Tilton and Baning.

The House proceeded to the choice of a Speaker, and Thomas McDonough, Esquire, was unanimously elected.

The Speaker, in the Chair, and afterwards Mr. Cook, took,

made and subscribed the oath and affirmation of allegiance and declaration prescribed by the Constitution. [*See note on page 10.*]

On motion, ordered

That Mr. Read, Mr. Cook, and Mr. Laws be a committee to wait on his Excellency, the President, and inform him that the Council had met and were ready to receive any business he might have to lay before them.

The committee above mentioned, being returned, report that they had waited on his Excellency according to order, who informed them that he had sent a message, with sundry papers, to the House of Assembly, which, in due time, would come before the Council.

Mr. Read, as one of the deputies from this State to the convention held in Philadelphia, for the purpose of revising the Articles of Confederation, laid on the table a printed copy of the plan of the Constitution for the United States of America, agreed to by the said convention.

Ordered to lie on the table.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Banning now appeared in the Council and took his seat.

Mr. Evans, a member of Assembly, was admitted and delivered to the Chair a message from the President and the following public letters, with their enclosures, to wit: From the Commissioners of the Treasury of the 25th of May; from the Secretary for Foreign Affairs of the 11th of October; and from the Secretary of Congress of the 25th of July, 10th of August, 3d and 28th of September, in which was inclosed the Federal Constitu-

tution, and of the 2d of October, 1787; which were read. The President's message is in these words:

*Gentlemen of the General Assembly:*

The Secretary will communicate to you, for your consideration, the following public letters, with their enclosures, which I have lately received, to wit: from the Commissioners of the Treasury, of the 28th of May; from the Secretary for Foreign Affairs, of the 11th of October; and from the Secretary of Congress, of the 25th of July, 10th of August, 3d and 28th of September, and 2d of October, 1787.

With the above mentioned letter of the 28th of September, the Federal Constitution, as reported by the late Convention of the States, is now transmitted to you conformably to the unanimous resolution of Congress thereon, in order to be submitted to a convention of Delegates, to be chosen by the people of the State, for their assent and ratification; and I cannot, upon the present occasion, avoid recommending it to your attention as a subject of the most important consideration, involving in its adoption not only our prosperity and felicity, but perhaps our national existence.

THOMAS COLLINS.

Dover, October 24, 1787.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

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FRIDAY, A. M., October 26th, 1787.

The Council met. Present the same members as on yesterday, and Mr. Tilton, who now appeared in the House and took his seat.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met agreeable to adjournment.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, A. M., October 27th, 1787.

The Council met. Present the same members.

*Ordered*, That the President's Message, with the several papers which accompanied the same, be returned to the House of Assembly by Mr. Laws.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

The Speaker laid on the table a bill entitled "An act for altering the quorum of the House of Assembly," which had been delivered to him by a member of that House after the adjournment of Council.

The said bill was read the first time.

By special order, the said bill was read a second time.

The said bill was read the third time and concurred in.

*Ordered*, That the same be returned, by Mr. Laws, to the House of Assembly, as acted upon by Council.

Mr. Laws reported the delivery of the above bill to the House of Assembly.



Mr. Gordon, a member of Assembly, was admitted and delivered to the Chair the bill entitled "An act for altering the quorum of the House of Assembly," engrossed, with a resolution of that House for affixing the Great Seal of the State to the same.

The said bill being compared, ordered that the Speaker of Council sign the same; which was done accordingly.

The resolution for affixing the Great Seal to the above mentioned bill was read and concurred in.

*Ordered*, That the last mentioned bill, and the resolution for affixing the Great Seal to the same, be returned to the House of Assembly, by Mr. Tilton, as acted upon by the Council.

Mr. Tilton reported the delivery of the same.

Adjourned to 10 o'clock on Monday morning.

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MONDAY, A. M., October 29th, 1787.

The Council met. Present the same members who attended on Saturday last, except Mr. Cook.

Mr. Speaker laid on the table a report of the Auditor of Accounts, dated this day; also a report of the outstanding taxes, reported June 5th, 1787.

Ordered to lie on the table.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., October 30th, 1787.

The Council met. Present the same members.

Mr. Cook, having returned, now appeared in the Council.

The Speaker laid on the table a paper purporting to be the return of a Counsellor for the County of Sussex, for the present year, which was read, and follows in these words, to wit:

SUSSEX COUNTY, DELAWARE STATE:

This indenture made this fifteenth day of October, in the year of our Lord, one thousand seven hundred and eighty-seven, between Thomas Laws, Sub-Sheriff of the County, of the one part, and Francis Wright, Thomas Laverty, William Peery, and Peter Marsh, Inspectors, and John Paynter and David Hall, gentlemen, freeholders of the said County, of the other part, witnesseth, that the said Inspectors, together with a number of freeholders of the said County, having met at the Court House in Lewes, on the first day of October instant, and continued by adjournments until this day, did then and there choose, elect, and nominate Simon Kollock, gentleman, to be Counsellor for the County aforesaid, pursuant to the Constitution or System of Government of the State of Delaware.

In testimony whereof the said Sub-Sheriff, Inspectors, and Freeholders have hereunto signed their names and affixed their seals the day and year first above written.

THOMAS LAWS, S. <i>Sheriff</i> ,	[SEAL.]
FRANCIS WRIGHT,	[SEAL.]
THOMAS LAVERTY,	[SEAL.]
SOLOMON WILLEY,	[SEAL.]
WILLIAM PEERY,	[SEAL.]
JOSEPH DAWSON,	[SEAL.]
DAVID HALL,	[SEAL.]
PETER MARSH,	[SEAL.]
JOHN PAYNTER,	[SEAL.]

On motion, ordered,

That the Auditor be notified that his annual report, of the 27th and 29th instant, doth not contain any general account of debts due to the State, as expressed in the 13th section of the law under which he acts, and which enumerates the heads whereof such general account shall consist, and that he furnish Council with such general account as speedily as possible.

*Ordered*, That the above order be transcribed, and that Mr. Polk wait on the Auditor and deliver the same.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Polk reported that he had delivered the above order to the Auditor, and that he was informed by him that an official report would be made to-morrow, so far as his books enabled him to make such report.

Mr. Cook desires leave of absence until to-morrow morning, and the same is granted.

Adjourned to 10 o'clock to-morrow morning.

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WEDNESDAY, A. M., October 31st, 1787.

The Council met. Present the same members.

On motion, ordered,

That the Sheriff and Sub-Sheriff of Sussex County be notified

to attend the Council forthwith, to be examined touching the election of Sussex County.

The Sheriff and Sub-Sheriff attended accordingly, and the Council proceeded to the examination.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment, and proceeded in the examination of the Under Sheriff of Sussex County concerning the election in that County.

Ordered that Mr. Peery be notified to attend the Council forthwith, to be examined touching the late election in Sussex County.

Mr. Peery attended accordingly.

Adjourned to ten o'clock to-morrow morning.

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THURSDAY, A. M., November 1st, 1787.

The Council met. Present the same members.

Mr. Davis, a member of Assembly, was admitted and he delivered to the Chair four petitions from 121 of the inhabitants of Sussex County against the late election in said County.

Ordered to lie on the table.

Mr. Speaker laid on the table a report of the Auditor, dated October 31st, in obedience to the order of the Council of 30th of October, with two inclosures, the first containing a list of specie taxes preceeding 1784, committed to Collectors of Hun-

dreds, and still outstanding; the second containing a list of open accounts in the public books, on which balances appear to be due to the State.

On motion, ordered,

That the Auditor be further notified that his additional report of yesterday is not sufficiently explicit as to the sum of the State tax, outstanding in the hands of the several persons in New Castle and Kent Counties, previous to 1784, for that the sums annexed to each delinquent's name may comprehend as well County as State tax, when the delinquency as to State tax was only necessary for legislative information. And also that no specific statement is made of the tax outstanding in Sussex County, before 1784, showing who may be delinquents therein.

*Ordered,* That the Clerk of this House transcribe the above order and wait on the Auditor with the same.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock to-morrow morning.

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FRIDAY, A. M., November 2d, 1787.

The Council met. Present the same members.

Mr. Latimer, a member of the House of Assembly, was admitted and he delivered to the Chair the following papers, to wit: A bill entitled "An act granting to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this State the machines herein described," with two petitions of the said Oliver Evans, praying an exclusive privilege of con-

structing and employing a steam-carriage which he hath invented, capable of carrying heavy burdens, to be propelled by the agency of steam and the pressure of the atmosphere, without the aid of animal force ; a recommendation from sundry persons respecting Evans' machine, and a report of a committee of the House of Assembly on the said petitions; and a resolution of that House permitting Oliver Evans to bring in the above mentioned bill; also a petition from James Adams, with his general account; a report of a committee of the House of Assembly upon that part of James Adams' petition which appeals from the Auditor's report; and a resolution of the House of Assembly upon the appeal of James Adams; which said papers were severally read.

Ordered to lie on the table.

On motion of Mr. Read, for leave to bring in a bill for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number, the same was granted; whereupon he presented to the Chair a bill for that purpose, which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

The bill entitled "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number," was read a second time and deferred for further consideration.

The petitions from sundry inhabitants of the County of Sussex against the late election in said County, were read.

Ordered to lie on the table.

Mr. Speaker laid on the table a report of the Auditor of Accounts, of this day, in compliance with the order of Council of yesterday; which was read.

Ordered to lie on the table.

By special order, the bill entitled "An act granting to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this State the machines herein described," was read a second time and deferred for further consideration.

Mr. Laws desires leave of absence until Tuesday next. The same is granted.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, A. M., November 3d, 1787.

The Council met. Present the same members, except Mr. Laws.

The bill entitled "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number," was read a third time by paragraphs and passed the House.

*Ordered*, That the said bill be transcribed, and sent to the House of Assembly for their consideration and concurrence.

The Council now resumed the consideration of the contents of the paper purporting to be the return of a Counsellor for the County of Sussex for the present year.

On motion of Mr. Tilton, seconded by Mr. Baning, that the following resolution should be adopted by the Council, to wit:

WHEREAS the disturbances in Sussex County, which have occasioned the disputed election now under the discussion of this House, appear manifestly to flow from causes that have subsisted from the beginning of the war with Great Britain, and through the Revolution, until this day, and are now of so serious

a nature as to deserve the most attentive and thorough investigation; and whereas to decide on the election upon the information given upon one side only, without hearing those complained of, as well as those complaining, must be an *ex parte* procedure contrary to the rules of justice and moderation; and whereas there is also reason to apprehend that besides setting aside the election there may be further proceedings of the Legislature, for the purpose of disgracing or punishing those complained of by the petitioners, whereby they will be condemned unheard, and may be rendered more desperate in their conduct, and the disorder of this Government become more extended and dreadful in their consequences; therefore

*Resolved*, That such of the persons complained of in the petitions as choose be permitted to attend and be heard in their own justification, and that such person or persons as can throw light upon this important subject be ordered to attend and give their evidence; that, after the fullest information and the most free and open discussion of the matter, the House may be enabled to proceed in so important a business in such manner as shall most effectually quiet the minds of the people.

The question was put, and the yeas and nays being required by Mr. Tilton, they are as follows:

*Yeas*—Mr. Tilton, Mr. Baning.

*Nays*—Mr. Read, Mr. Cook, Mr. D. Polk.

So it passed in the negative.

Whereupon, on motion, it is

*Resolved*, That the said election of a member of this House, in the present year, for the County of Sussex, was not freely, legally, and indifferently made, and it is adjudged by the Council that Simon Kollock, in the indenture of return aforesaid, was not duly elected.

The question being put on the above resolution, the yeas and nays were required by Mr. Tilton, and they are as follows:

*Yeas*—Mr. Read, Mr. Cook, Mr. Polk, Mr. Baning.

*Nay*—Mr. Tilton.

So it passed in the affirmative.

Adjourned to 3 o'clock, P. M.



EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock on Monday morning.

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MONDAY, A. M., November 5th, 1787.

The Council met. Present the same members.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

A motion was made by Mr. Tilton, seconded by Mr. Baning, that he should have leave to enter his reasons of dissent and protest against the resolution of Saturday last on the subject of the late election of Sussex County, and, after debate, a motion was made and seconded to postpone the consideration of the said motion, and to take up the following, to wit: Whether such reasons of dissent and protest on this or on any other occasion should be admitted to be entered on the minutes of this House, as the entering of the yeas and nays of every member on any question taken in this House, on the request of any one member, was a standing rule thereof? And on the question, the same was postponed accordingly.

*Resolved*, That to-morrow morning be assigned for the consideration of the last mentioned motion.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., November 6th, 1787.

The Council met. Present the same members.

Agreeable to the order of the day, the Council proceeded to the consideration of the motion of yesterday afternoon, to wit: Whether such reasons of dissent and protest on this or on any other occasion should be admitted to be entered on the minutes of this House, as the entering of the yeas and nays of every member on any question taken in this House, on the request of any one member, was a standing rule thereof? And on the question, the yeas and nays were required by Mr. Read, and they are as follows:

*Yea*—Mr. Tilton.

*Nays*—Mr. Read, Mr. Cook, Mr. Polk, Mr. Baning.

So it passed in the negative.

Mr. McCall, a member of the House of Assembly, was admitted and he returned to the Chair the bill for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number, concurred in by that House.

Ordered that the said bill be engrossed.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Laws appeared in the House and took his seat.

Mr. Evans, a member of Assembly, was admitted, and he delivered to the Chair a bill entitled "An act to repeal an act entitled 'An act for the further security of the Government;'" which was read.

Ordered to lie on the table.

*Ordered*, That the petitions from sundry of the inhabitants of Sussex County, against the late election in said County, be returned to the House of Assembly by Mr. Laws.

Adjourned to to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., November 7th, 1787.

The Council met. Present the same members.

The report of the committee of the House of Assembly upon that part of James Adams' petition which appeals from the Auditor's report, and the resolution of that House upon the said appeal, were read a second time, and the said resolution was concurred in by the Council.

The bill for granting to Oliver Evans an exclusive right in making certain machines, was read the third time by paragraphs and passed the House.

*Ordered*, That the said bill, with the several papers which accompanied the same, and the resolution of the House of Assembly upon the appeal of James Adams, with the petition and the account of the said James Adams, and the report of the committee of the House of Assembly on the same, be returned to the House of Assembly by Mr. Cook.

*Ordered*, That the Speaker sign the engrossed bill entitled "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number;" which was done accordingly.

*Ordered*, That Mr. Cook wait on the House of Assembly with the said engrossed bill, in order that the same may be signed by the Speaker thereof.

The bill entitled "An act to repeal an act entitled 'An act for the further security of the Government,'" was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock to-morrow morning.

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THURSDAY, A. M., November 8th, 1787.

The Council met. Present the same members.

Mr. Revell, a member of Assembly, was admitted, and he delivered to the Chair certain resolutions of that House for calling a Convention for the purpose of ratifying the Federal Constitution.

Ordered to lie on the table.

On motion, by order, the ordinance of Congress of May, 1787, for settling the accounts between the United States and individual States, was read.

*Ordered*, that Messrs. Read, Tilton, and Laws be a committee to whom the said ordinance shall be referred, to report what may be necessary to be done thereon on the part of this State.

The resolutions of the House of Assembly for calling a Convention were read. Deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Evans, a member of Assembly, was admitted, and he delivered to the Chair a resolution of that House respecting their intention to conclude the present session on Saturday next by adjourning the same to some future day; which was read.

Adjourned to 10 o'clock to-morrow morning.

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FRIDAY, A. M., November 9th, 1787.

The Council met. Present the same members.

The resolutions of the House of Assembly for calling a Convention for the purpose of ratifying the Federal Constitution, were read a second time.

The Clerk of this House laid on the table four petitions from sundry inhabitants of New Castle County, and a petition from the Grand Jurors of the Court of Oyer and Terminer, held at New Castle on the 5th of October, 1787, in favor of the Federal Constitution; also two petitions from sundry inhabitants of the said county for a cession of district to Congress for exclusive jurisdiction; which said petitions were delivered to him by the Clerk of the House of Assembly.

The said petitions were severally read. Ordered to lie on the table.

Sundry amendments being proposed by the Council to the resolutions of the House of Assembly for calling a State Convention,

*Ordered*, That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

*Ordered*, That Mr. Cook wait on the House of Assembly with the amendments offered by Council to the resolutions for calling a State Convention.

Mr. Robinson, a member of Assembly, was admitted, and he delivered to the Chair a bill entitled "An act for altering the place of election for the County of Sussex for the present year one thousand seven hundred and eighty-seven;" which was read, with two petitions from sundry inhabitants of Sussex County, on which the said bill is founded.

Ordered to lie on the table.

On motion, ordered,

That a new election be had in the County of Sussex of a member for this House, in the place of Simon Kollock, Esq., who was declared not duly elected by the resolve of Saturday last, and that the Speaker issue a writ accordingly.

By special order, the last mentioned bill was read a second time and deferred for further consideration.

Mr. Grantham, a member of Assembly, was admitted and he delivered to the Chair the following resolution of that House:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, P. M., Nov. 9th, 1787.

On motion,

*Resolved*, That Mr. Grantham wait upon the Council and propose to that honorable House that both Houses of the General Assembly meet, in the Council Chamber, to-morrow, at three o'clock in the afternoon, to put in nomination persons to be bal-  
lotted for as Delegates to represent this State in the Congress of the United States until the first Monday in November next.

JAMES BOOTH, *Cl'k of Assembly*.

Sent for concurrence.

The said resolution was read and concurred in by the Council.

*Ordered*, That Mr. Cook wait upon the House of Assembly and return the said resolution, as acted upon by the Council.

Mr. Cook reported the delivery of the said resolution according to order.

Adjourned to ten o'clock, &c.

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SATURDAY, A. M., November 10th, 1787.

The Council met, &c.

Mr. Vining, a member of Assembly, being admitted, delivered to the Chair the resolutions for calling a State Convention, with the several amendments proposed thereto by the Council acceded to by the House of Assembly, which said resolutions, as amended and agreed to by both Houses, are as follows:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,  
FRIDAY, P. M., November 9th, 1787.

WHEREAS the Convention of Deputies from the United States, lately assembled at the City of Philadelphia, have proposed a Constitution for the said States, to be submitted to a Convention of Delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each Convention assenting to, and ratifying the same, should give notice thereof to the United States in Congress assembled;

*And whereas* the United States in Congress assembled have *unanimously resolved* that the said Constitution, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case;

*And whereas* it is the sense and desire of great numbers of the good people of this State, signified in petitions to this General Assembly, that speedy measures should be adopted to assemble a Convention within the State for the purpose of deliberating and determining on the said Constitution;

*Resolved*, 1. That it be, and hereby is, recommended to the freemen and inhabitants of this State, who are qualified by law to vote for Representatives to the General Assembly, that they choose suitable persons to serve as Delegates in a State Convention for the purpose herein before mentioned, that is, for the three Counties the same number of Delegates that each is entitled to of Representatives in the General Assembly, to wit: ten for the County of New Castle; ten for the County of Kent; and ten for the County of Sussex.

2. That the elections for Delegates aforesaid, in the respective Counties of this State, be held on Monday the 26th day of this instant November, at the same places where the general elections for Representatives to the General Assembly are or may be by law appointed to be held; and that the same be conducted by the officers who conduct the said election of Representatives, and agreeably to the rules and regulations thereof; and that the persons so elected to serve in Convention, meet at the Town of Dover on the Monday following.

3. That the Delegates who attend the said Convention be entitled to the same allowance per diem as Representatives to the General Assembly are entitled to receive for their attendance; which said allowance shall be paid by the State Treasurer, upon receiving an order for the same, signed by the President of this State.

4. That the President or Commander-in-Chief transmit to the Convention aforesaid, when met, an authentic copy of the Federal Constitution aforesaid.

5. That the proposition submitted to the General Assembly, by petition from divers of the freemen resident in the upper part of this State, of ceding to the United States a district within the State for the Seat of the Government of the United States, and for the exclusive legislation of Congress, be and hereby is recommended to the particular consideration of the Convention.

6. That for the information of the citizens of this State the



Clerk of this House cause the aforesaid resolutions to be published in the Delaware Gazette, and procure one hundred copies to be printed, and transmitted to the Sheriffs of the several Counties, to be by them fixed up at the most public places in their Counties respectively.

Signed by order of the House of Assembly,

JEHU DAVIS, *Speaker*.

Sent for concurrence.

In Council, Saturday, A. M., November 10th, 1787, read and concurred in.

Signed by order of the Council,

THOMAS McDONOUGH, *Speaker*.

On motion, by order,

The bill entitled "An act for altering the place of election for the County of Sussex for the present year, 1787," was read the third time by paragraphs and passed the House.

On the question being put on the said bill, the yeas and nays were required by Mr. Tilton, and they are as follows:

*Yeas*—Mr. Read, Mr. Cook, Mr. Polk, Mr. Laws, Mr. Baning.

*Nay*—Mr. Tilton.

So it passed in the affirmative.

*Ordered*, That the said bill, with the petition which accompanied the same, be returned to the House of Assembly.

*Ordered*, That the resolutions for calling a State Convention, with the several petitions in favor of the Federal Constitution, and the petitions for the cession of a district to Congress for exclusive legislation, be returned to the House of Assembly.

The committee to whom was referred the ordinance of Congress, of the 7th of May last, for settling the accounts between the United States and individual States, to report what might be necessary to be done thereon on the part of this State, now made their report; which was read.

The said report was read a second time and agreed to, as follows:

WHEREAS Eleazar McComb, Esq., the Auditor of Accounts for this State, on the 24th June, 1786, was elected by the General Assembly the Commissioner to complete a settlement of the accounts of this State with the United States; and some doubts have been made by Mr. McComb, whether the said appointment continues, so as to authorize him to proceed in the said business with the Commissioner, or his deputy, appointed under the ordinance of Congress, of the 7th May last, for settling the accounts between the United States and individual States for the district of which this State forms a part; therefore

*Resolved*, That it is the opinion of this General Assembly, that the appointment made of the said Eleazar McComb as aforesaid doth still continue; and he is hereby authorized and required to use all due diligence in collecting and stating such accounts of this State as come within the description of the accounts and claims of individual States against the United States, as enumerated in the ordinance aforesaid; and to procure sufficient or the best attainable vouchers to support the accounts and claims of this State against the United States; and for this end he is hereby empowered to call for books and papers relating to the same, which have come to the hands or possession of any person in public office or appointment, or after into the possession of others by means thereof, giving descriptive acknowledgments thereof to the person from whom they may be received; and finally to transact with the Commissioner of the District all the necessary business relative to this important object.

2. That in case of the death, inability, or refusal to act, of the said Eleazar McComb, as State Commissioner as aforesaid, it is the opinion of the General Assembly that his Excellency the President, in their recess, appoint some other suitable person to act as State Commissioner in the business aforesaid.

3. That Mr. McComb, as Auditor of this State, do forthwith call to account all persons who have been in any ways intrusted with any public monies belonging to the State, or wherewith the State may be chargeable, or who may have been appointed or employed on behalf of the State, or any part thereof, in collecting or receiving of supplies intended for the use of the United States, that the Auditor, in his character of State Commissioner as afore-

said, may be the better enabled to make the exhibits on the part of this State against the United States, within the time limited by the ordinance of Congress aforesaid; and in case of refusal or neglect so to account, that the Auditor, without delay, thereafter cause process to be issued against every such delinquent, as in and by the act for the auditing and arranging the accounts of this State it is prescribed.

4. That Mr. McComb ought to have an allowance adequate to his services as State Commissioner, and that this General Assembly, at their future meeting, will make provision therefor; or in case of other appointment as aforesaid in like manner for such appointee.

*Ordered*, That the said resolutions be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

The Speaker laid on the table a bill entitled "An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service of the year 1787,' and to repeal an act for appropriating the sum of £10,500, and for other appropriation thereof, and other purposes,'" with a petition and three memorials from sundry of the inhabitants of New Castle County, praying a repeal of the appropriation act; which said papers were delivered to him by a member of Assembly after the adjournment of Council; which said bill was read.

Ordered to lie on the table.

WHEREAS it appears by the report of a committee of the House of Assembly, of the 27th of January last, on page 28 of the printed minutes, that large sums have been advanced by this State on behalf of the United States, amounting to more than

ten thousand five hundred pounds, which this State ought to have had a credit for with the United States, on former specie requisitions of Congress, and to which sum further additions, in the opinion of the Auditor, may now be made; and as great delay hath happened with respect to the obtaining those credits; it is therefore

*Resolved*, That it be recommended to his Excellency the President that he take effectual order to have the business aforesaid performed as soon as reasonably may be, and that he appoint some suitable person to collect all vouchers relative to, or necessary for, the same; and to personally solicit such a credit at the Board of Treasury of the United States, or other public office connected therewith, at the expense of the State; and for this end the President may draw his order on the State Treasurer for such sum, in advance, for this service, as he may judge reasonable.

*Ordered*, That the said resolution be transcribed, and sent to the House of Assembly for their concurrence.

Agreeable to the order of the day, the Council and the House of Assembly met, in the Council Chamber, and proceeded to the nomination of persons as Delegates to represent this State in Congress.

But it was previously

*Resolved*, That three persons be elected as Delegates from this State to Congress, &c.

The following persons were then put in nomination, to wit: Major John Patten, Isaac Grantham, Esq., Dyre Kearny, Esq., Nathaniel Mitchell, Esq., and Thomas Rodney, Esq.

Then the two Houses separated for the space of fifteen minutes.

The Council and the House of Assembly now met, in the Council Chamber, and proceeded, by joint ballot, to the election of Delegates to represent this State in the Congress of the United States of America until the first Monday in November next, and the ballots being taken and examined, Dyre Kearny, Nathaniel Mitchell, and Thomas Rodney, Esquires, were declared to be duly elected.

Then the two Houses separated.

By special order, the bill to alter and supply certain parts of the act for raising ten thousand five hundred pounds, &c., was read a second time.

The said bill was read the third time by paragraphs and passed the House.

On the question for passing the same being put, the yeas and nays were required by Mr. Tilton, and they are as follows:

*Yeas*—Mr. Cook, Mr. Read, Mr. Laws, Mr. Polk.

*Nays*—Mr. Tilton, Mr. Baning.

So it was determined in the affirmative.

Mr. Raymond, a member of Assembly, was admitted and he returned the resolutions of Council continuing the powers of Eleazer McComb, Esq., as State Commissioner, and the resolution for the President to appoint some suitable person to collect vouchers, &c., both concurred in by the House of Assembly.

*Ordered*, That the Clerk of this House make out two copies of the first resolutions, one to be delivered to the President, and the other to the Auditor; also one copy of the last mentioned resolution for the President.

Then the Council allowed the following accounts for the attendance of the members and for public service rendered to the State:

To the Hon. Thomas McDonough, Esq., Speaker,	
for 21 days' attendance and for mileage, . . .	£ 19 18 0
To George Read, Esq., for 19 do. do., . . .	12 18 0
To James Tilton, Esq., for 17 do., . . .	10 4 0
To John Baning, Esq., for 18 do., . . .	10 16 0
To John Cook, Esq., for 20 do. do., . . .	12 8 0
To Daniel Polk, Esq., for 21 do. do., . . .	13 18 0
To Alexander Laws, Esq., for 21 do. do., . . .	13 14 8
To James Sykes, Esq., Clerk, for 23 do., . . .	14 7 6
To James Sykes, Esq., for transcribing the minutes,	
&c., &c., . . .	37 14 4½
To Mrs. Elizabeth Battell, for the use of a room,	
&c., . . .	13 10 0
To Benjamin Crooks, Sergeant-at- Arms, . . .	8 17 0
	<hr/>
	£168 5 6½

*Resolved*, That orders be drawn on the State Treasurer, and signed by the Speaker, for the payment of the several sums aforesaid.

Whereupon orders were drawn and signed accordingly.

*Ordered*, That the Clerk of this House transcribe the Minutes of the Council of the session of August last, and of the present session, November, and that Messrs. Tilton and Cook revise the said transcribed minutes and superintend the printing of two hundred copies of the same.

Mr. McCall, a member of Assembly, attending, was admitted, and he delivered to the Chair a resolution of that House for affixing the Great Seal to the several laws passed this session of the General Assembly; which was read, and follows in these words:

IN THE HOUSE OF ASSEMBLY, Nov. 10th 1787.

On motion,

*Resolved*, That the President or Commander-in-Chief affix the Great Seal of this State to the following laws:

1. "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a less number;"
2. "An act granting to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this State the machines herein described;"
3. "An act for altering the place of election for the County of Sussex for the present year, 1787;"
4. "An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service of the year 1787,' and to repeal an act entitled 'An act for appropriating the sum of £10,500,' and for other appropriation thereof, and other purposes.' "

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

*Resolved*, That this House concur in the said resolution.

The same member also delivered to the Chair the bills above mentioned engrossed, in order to be signed by the Speaker.

*Ordered*, That the Speaker sign the aforesaid engrossed bills; which was done accordingly.

*Ordered*, That the said bills, with the resolution for affixing the Great Seal, as concurred in by this House, be returned to the House of Assembly by Mr. Laws;

Who reported, &c.

On motion, ordered that the time and place specified in the act, passed this present session, for altering the place of election for the County of Sussex for the present year, be inserted in the writ ordered on Friday last for a new election in that county.

The Clerk of the House of Assembly delivered to the Council a written notice, signed by the Speaker of the House of Assembly, that the House of Assembly had this day adjourned to Monday, the seventh day of January next.

The Council then adjourned to the same day.





# MINUTES OF COUNCIL.

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1788.

## MEMBERS' NAMES.

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### FOR NEW CASTLE COUNTY:

GEORGE READ, NICHOLAS VANDYKE, THOMAS McDONOUGH.

### FOR KENT COUNTY:

JAMES TILTON, JOHN BANING, JOHN COOK.

### FOR SUSSEX COUNTY:

DANIEL POLK, ALEXANDER LAWS, ISAAC HORSEY.

# VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

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ADJOURNED SESSION, JANUARY, 1788.

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At a meeting of the Council, by adjournment, at Dover, January 7th, 1788, a sufficient number of the members not having met to form a quorum, they adjourned from day to day until Friday, the 18th of the same month, when there appeared as follows:

*For New Castle County*—Thomas McDonough, Esq., Speaker, George Read.

*For Kent County*—James Tilton, John Baning, Jno. Cook.

*For Sussex County*—Daniel Polk, Alexander Laws.

It appears by the returns of the officers of the County of Sussex, appointed by law to be Judges of Elections, that on the 26th of November last, at the house of Rob. Griffith, at Deep Creek Furnace, usually called Vaughn's Furnace, in Nanticoke Hundred, that Isaac Horsey, of the said county, was chosen to represent the said county as a member of the Legislative Council of the Delaware State for three years next ensuing the said election.

James Sykes, Esquire, Clerk of this House, having resigned, the House proceeded to the choice of a Clerk, when John Edmunds Clayton was unanimously chosen; who then took the oath prescribed by the Constitution, and subscribed the declaration of faith therein required, and also took and subscribed the oath of office. [See note on page 11.]

Mr. Speaker laid on the table a petition, signed by a number of the inhabitants of Sussex County, delivered him by a member of the House of Assembly, complaining of an undue election at the time aforesaid, together with a list of witnesses for the petitioners, and praying that inquiry should be made into the truth of the facts stated therein, and that they might be heard by Council.

On motion, ordered that the same be read; which was done accordingly.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met. Present the same members, except Mr. Tilton.

The Speaker laid on the table a letter from James Adams, of Wilmington, printer, of the 10th instant, praying the House that they would favor him with the printing of the business of their House, and containing an account for printing 200 copies of the votes and proceedings of their House from a session in October, 1783, to their session in May, 1787, both included, making fifty-five sheets, at 28s. a sheet, and for conveying the Kent and Sussex numbers of those copies to Dover.

The same were read and referred to the Auditor.

On motion, by special order, the petition from Sussex County, complaining of an undue election, was read a second time.

Whereupon it is ordered,

That it be notified to such of the petitioners as may be in the Town of Dover, that the Council will be ready, to-morrow, at eleven o'clock in the forenoon, to go into an inquiry of the facts set forth in their petition complaining of an undue election in Sussex County, on the 26th of November last, for a member of this House, and that they may be heard by one gentleman of the law, as their counsel, on this business.

Ordered also,

That Peter Fretwell Wright, High Sheriff of Sussex County, and now in attendance in the Town of Dover under the order of the House of Assembly, be notified to attend the Council at the time aforesaid, for examination respecting the said election, and that the foregoing orders be transcribed by the Clerk, to wit: two copies, one to be served by the Sergeant-at-Arms on such of the petitioners aforesaid as may be in Dover, returning the names of the persons served therewith to this House at the time aforesaid, and the other on the High Sheriff aforesaid.

Adjourned to ten o'clock to-morrow morning.

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SATURDAY, A. M., January 19th, 1788.

Council met. Present the same members.

On motion, ordered that the doors of this House be set open during the inquiry into the validity of the Sussex election.

The Sergeant-at-Arms reported that he had notified, agreeable to the orders of yesterday, Peter F. Wright, the High Sheriff of Sussex County, and such of the petitioners as were in the Town of Dover, viz: William Clayton Mitchell, Simon Kollock, Isaac Atkinson, Nathaniel Waples, William Peery, and David Hall.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met according to adjournment. Present the same members, and Mr. Tilton.

On motion, ordered that the Sheriff of Sussex County be

again notified to attend this House to be examined concerning the Sussex election, who appeared in the House.

On motion, ordered that the petition from Sussex County, complaining of an undue election, be read by the Clerk to him; which was done accordingly.

Council then went into the examination of Peter F. Wright, Sheriff of Sussex County, concerning the late election, and after some time, on motion, he obtained leave to withdraw.

Adjourned to Monday morning, 10 o'clock.

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MONDAY, January 21st, 1788, A. M.

Council met according to adjournment.

The Doorkeeper informed the Speaker that Joseph Miller, Esq., as Counsel for the petitioners complaining of the undue election, then was in waiting and desired to be admitted before the Council.

Whereupon he was admitted, and made his apology for not attending sooner upon the business aforesaid. And he informed the House that such of the petitioners as had been attendant on the like complaint made to the House of Assembly, and also the witnesses produced to and examined by the House of Assembly, were gone to their respective places of residence; that the examinations had before the House of Assembly, as well of the witnesses in the petitioners list as others, were before the House of Assembly on oath and reduced to writing there, and probably did contain sufficient information for the Council to proceed into the inquiry of the facts alleged by the petitioners in their complaint, and that, as their counsel, he prayed that the depositions so taken might be admitted in evidence before this House.

And then the House took into consideration the proposition made by Mr. Miller on the part of the petitioners, Mr. Horsey, the returned member for Sussex County being present, and

thereupon recommended it to Mr. Miller to reduce his proposition in writing, and present the same at the meeting of the House in the afternoon, when it was also recommended to the returned member to declare his sense thereof in writing.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met according to adjournment.

Mr. Miller, counsel on the part of the petitioners, presented to the Chair the following petition, viz:

*To the honorable the Legislative Council of the Delaware State :*

The subscriber respectfully represents, that as the witnesses summoned by the honorable Assembly to give evidence on the controverted election for the County of Sussex, agreeably to the prayer of the petition now before the honorable Legislative Council, have returned home, and as the testimony of those witnesses has been taken in writing by the other honorable branch of the Legislature, the subscriber, in order to avoid expense and delay, prays, on behalf of the petitioners, whom he represents as their counsel, that the depositions of the said witnesses, as taken by the honorable Assembly, may be received by your honorable House as legal evidence concerning the election now in dispute.

JOSEPH MILLER,

Dover, 21st Jan., 1788.

*Counsel for the petitioners.*

Mr. Isaac Horsey, the returned member for Sussex County, also presented to the Chair the following declaration, viz:

I, Isaac Horsey, a returned member for the County of Sussex to the Legislative Council of the Delaware State, chosen and elected on the 26th of Nov. last, which election is now controverted, do, for the more easy and speedy determination of the legality of the said election, hereby agree that the depositions lately taken before the honorable House of Assembly of this

State, touching the legality of the said election, may be read and taken as evidence in this House so far forth as may tend to prove either the legality or illegality of said election.

Witness my hand this 21st day of January, Anno Domini,  
1788. ISAAC HORSEY.

On motion,

*Resolved*, That this House, agreeable to the above prayer of Mr. Miller, counsel on the part of the petitioners, and the declaration of Isaac Horsey, returned member, will receive the depositions of the said witnesses, as taken by the House of Assembly, in evidence as to the election now in dispute.

It was then represented by Mr. Miller, counsel on the part of the petitioners, that the House of Assembly, not having yet acted upon the testimony contained in the depositions taken before them on the contested election for Sussex County, he could not, as yet, with propriety, apply to that House for a transmission of those depositions to Council, but that he was informed the business of considering and deciding thereon would be speedily taken up by the House of Assembly and that he should immediately after make the application for such transmission.

Adjourned to 10 o'clock to-morrow morning.

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TUESDAY, A. M., January 22d, 1788.

Council met according to adjournment. Present the same members, except Mr. Cook.

Mr. Speaker laid upon the table a message from the President to the General Assembly, delivered to him by a member of the House of Assembly, accompanied with letters and papers therein referred to; which said message was read, and is as follows:

*Gentlemen of the General Assembly:*

Since my last message to you the following dispatches have come to my hand:



A letter from the Secretary of Congress, of the 18th of October last, with its inclosures; another from the Board of Treasury, circular, of the 8th of November, with its inclosures; and two others from the Governor of Virginia, one of November 14, the other of December 27, with their inclosures. All of which I have requested your Clerk to lay before your honors, for your consideration.

THOMAS COLLINS.

January 21, 1788.

All which letters and papers were read, except the letter from the Board of Treasury "Circular," of the 8th of November last, with its inclosures, which do not appear among the said letters and papers referred to in the said message.

Adjourned to 3 o'clock, P. M.

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EODEM DIE, P. M.

Council met according to adjournment.

Adjourned till to-morrow morning, 10 o'clock.

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WEDNESDAY, A. M., January 23, 1788.

Council met. Present the same members.

Mr. Evans, a member of Assembly, attending, was admitted and delivered to the Chair the petitions from Sussex County, signed by four hundred and five petitioners, complaining of an undue election in said county, and the depositions of the witnesses examined and taken, in writing, by the House of Assembly, together with the list of voters and polls, or tallies, concerning the same, for the consideration of this House.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Vandyke appeared in the House and took his seat.

On motion, ordered,

That a verbal message be sent to the House of Assembly, representing that the Council are informed that the declaration of Rhoads Shankland, Esq., a returned member of the House of Assembly at the late contested election for Sussex County, was received in that House, of a fact stated in the petition against the said election, to wit: "That the said Rhoads Shankland was seen, on the Sunday preceding the said election, at the head of a party, armed with muskets, going toward the place of election;" and the same declaration not appearing among the written testimony laid before the Council respecting the said election, and requesting that the honorable House of Assembly will have that declaration reduced to writing and transmit the same to this House as soon as conveniently may be.

Adjourned to 10 o'clock to-morrow morning.

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THURSDAY, A. M., January 24, 1788.

Council met according to adjournment. Absent, Mr. Tilton.

Mr. Vining, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following message, viz:

A MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE LEGISLATIVE COUNCIL.

*Gentlemen:*

The House of Assembly beg leave to inform the Legislative Council that the declaration of Rhoads Shankland, Esquire,

amounted in substance to the following information, viz: "That the said Rhoads Shankland, as the distance from his house to the place of holding the late election was considerable, went part of the way on Sunday evening, on which evening he was overtaken by three men armed with muskets, with whom he rode some distance, after which they separated."

The House now went into the consideration of the petition from Sussex County respecting the contested election, and after some time spent therein, on motion, the same was postponed until three o'clock this afternoon.

Adjourned to 3 o'clock in the afternoon.

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#### EODEM DIE, P. M.

Council met according to adjournment, and, agreeable to order, resumed the consideration of the petitions from Sussex County, together with the testimony transmitted from the House of Assembly respecting the same.

On motion, "Shall Council postpone the business of the Sussex election until to-morrow morning?" Passed in the negative.

On motion, that the petition from Sussex County, complaining of an undue election there, on the 26th of November last, of a member to represent that county in this House, be dismissed, and that the return made of the election of Isaac Horsey as a member of this House, to represent that county, be confirmed; and thereupon

*Resolved unanimously*, That the said petition be dismissed, and that the said return be confirmed.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., January 25th, 1788.

Council met according to adjournment. Absent, Mr. Baning.

Isaac Horsey, the returned member for Sussex County, now took the oath of allegiance and subscribed the declaration of faith prescribed by the twenty-second article of the Constitution of this State. [*See note on page 10.*]

On motion of Mr. Read, that a committee be appointed to bring in a bill for repealing all such acts or parts of acts as are repugnant to the treaty of peace between the United States and his Britannic Majesty,

The committee appointed to bring in the said bill were Mr. Read, Mr. Vandyke, and Mr. Horsey.

*Ordered,* That Mr. Polk return to the House of Assembly the President's Message of the 21st of January, together with the letter from the Secretary of Congress, of the 18th of October, and its inclosures, and one set of the letters and resolutions from the President of Virginia, of the 14th of November, and the letter of the 27th of December, with one copy of an act of the General Assembly of that State therein inclosed.

The committee appointed to bring in a bill for repealing all such acts or parts of acts as are repugnant to the treaty of peace between the United States and his Britannic Majesty, now presented a draught thereof on the table; which, by order, was read.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met according to adjournment.

The Speaker laid on the table a bill entitled "An act for incorporating the Physicians of this State," which had been delivered to him by a member of the House of Assembly. The said bill was read.

Ordered to lie on the table.

The bill for repealing all such acts or parts of acts as are repugnant to the treaty of peace between the United States and his Britannic Majesty, was, by special order, read a second time.

The said bill was read a third time and passed the House.

*Ordered*, That Mr. Horsey wait on the House of Assembly with the aforesaid bill, for their consideration and concurrence;

Who, being returned, reported the delivery thereof agreeable to order.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, A. M., January 26th, 1788.

Council met agreeable to adjournment. Mr. Baning now appeared in the House.

Mr. Massey, a member of the House of Assembly, attending, was admitted and presented to the Chair a memorial of Joshua Clayton, Esquire, together with a report of a committee of that House respecting the same; which, upon motion, were read the first time.

The bill empowering the Board established by Congress to liquidate and settle the accounts between the United States and individual States, having been read in Council the 2d of February, 1787, was now read a second time.

On motion, that the same be referred to a committee of three to report thereon, the members appointed were Mr. Vandyke, Mr. Read, and Mr. Baning.

Council now went into the consideration of the bill to repeal the act entitled "An act for the further security of the Government," which was read the first time in Council on the 6th of November last, and the same was postponed until Monday next.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Polk, a member of the House of Assembly, attending, was admitted and presented to the Chair a bill for continuing an act entitled "An act for the settlement of the accounts of the Wilmington Lottery."

The same member also returned the bill for 'repealing all acts or parts of acts repugnant to the treaty of peace between the United States and his Britannic Majesty, concurred in by that House.

Whereupon ordered that the said bill be engrossed.

The bill for continuing an act entitled "An act for the settlement of the Wilmington Lottery," was read the first time.

Mr. Read presented to the Chair a petition of William Brown, praying an appointment of Judges of Appeals; which was read.

Ordered to lie on the table.

The bill for continuing an act entitled "An act for the settlement of the accounts of the Wilmington Lottery," was, by special order, read a second time and passed the House.

*Ordered*, That Mr. Polk wait on the House of Assembly and return the said bill, concurred in by Council.

Adjourned to 10 o'clock on Monday morning.

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MONDAY, A. M., January 28, 1788.

Council met according to adjournment.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

The House now resumed the consideration of the bill to repeal the act entitled "An act for the further security of the Government," and the same was deferred for further consideration.

Adjourned to 10 o'clock to-morrow morning.

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TUESDAY, A. M., January 29, 1788.

Council met according to adjournment.

Mr. Speaker laid upon the table a petition of Sarah Tully, for appointing Commissioners for the Town of Dover, a report of a committee of the House of Assembly thereupon, and a bill appointing Commissioners for the town aforesaid, &c., which were delivered him by a member of that House.

The said papers were severally read. Ordered to lie on the table.

Mr. Hazzard, a member of the House of Assembly, attending, was admitted and presented to the Chair three petitions from sundry owners of marshes on St. Georges Creek, together with a report of two of a committee appointed to view said marsh; also a bill entitled "A supplementary act to an act entitled 'An act for stopping St. Georges Creek and for embanking and draining a quantity of marsh and cripple on both sides the said creek, being deemed about three thousand acres, situate in Red Lion and St. Georges Hundreds and County of New Castle, and for keeping the dykes and drains belonging to the same in good order and repair,'" and a letter from William Hall to Henry W. Pearce, accompanying the same.

On motion, by order, the said papers were severally read.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The committee to whom was referred the bill to authorize the Board established by Congress for liquidating public accounts and call before them witnesses, &c., now report, that they apprehend such provision as was intended by the said bill to be made is rendered unnecessary by an alteration in the establishment of the board aforesaid and a repeal of the act of the 13th of October, 1786, by their subsequent act of May last.

Which report being read and approved, the bill aforesaid is disagreed to, and ordered to be returned to the House of Assembly, with a copy of the foregoing entry of the report and proceeding thereon.

*Ordered*, That Mr. Vandyke wait on the House of Assembly and return the said bill, with the report of the committee thereon, and a letter, of the 16th of October, 1786, from the Secretary of Congress, No. 5, and its inclosure, No. 5.

Council now resumed the consideration of the bill for repealing an act entitled "An act for the further security of the Government;" whereupon, on motion, ordered that the said bill be referred to a committee of three, viz: Mr. Vandyke, Mr. Read, and Mr. Polk, to report thereon.

The memorial of Joshua Clayton, Esquire, and the report of a committee of the House of Assembly thereupon, was, by order, read a second time; and the question being put, "Do this House agree to the said report?" the House was divided, and Mr. Speaker gave his voice in the affirmative.

*Ordered*, That Mr. Laws wait on the House of Assembly and return the said memorial, with the report of the committee thereupon.

Adjourned to 10 o'clock to-morrow morning.



WEDNESDAY, A. M., January 30, 1788.

The Council met according to adjournment.

Mr. Laws reported the delivery of the last mentioned papers to the House of Assembly, agreeable to order.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met according to adjournment.

On motion, by order, the bill entitled "An additional supplementary act to an act entitled 'An act for stopping St. Georges Creek and for embanking and draining a quantity of marsh and cripple on both sides of the said creek, &c.,'" was read a second time.

On motion, that Mr. Henry W. Pearce, one of the principal owners of the marsh aforesaid, be admitted before this House to give information respecting the circumstances of the marsh and cripple on the said St. Georges Creek, the same was granted.

Council then proceeded to the consideration of the said bill, and after some time spent therein, the same was deferred until to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., January 31st, 1788.

Council met according to adjournment. Mr. Tilton now appeared in the House.

Mr. Massey, a member of the House of Assembly, attending, was admitted and delivered to the Chair a paper, No. 1, purporting to be proposals, by George Read, to the honorable committee of that House, as to a revision of the Acts of Assembly of this State for the purpose of reprinting the same, and a resolution of that House accepting and agreeing to the said proposals.

Agreeable to the order of yesterday, Council resumed the consideration of the bill entitled "An additional supplementary act to an act entitled 'An act for stopping St. Georges Creek, &c;'" which, by order, was read a third time by paragraphs, and an amendment proposed and agreed to.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

*Ordered*, That the amendment proposed to the last mentioned bill be transcribed and sent, with the said bill, to the House of Assembly, by Mr. Laws, for their consideration.

Mr. Laws reported the delivery thereof according to order.

On motion, by order,

The paper, No. 1, purporting to be proposals by George Read, Esq., for revising the Laws of this State, and the resolution of the House of Assembly thereon, were read the first time.

Mr. Cannon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following resolution:

IN THE HOUSE OF ASSEMBLY, P. M., Jan. 31, 1788.

On motion,

*Resolved*, That Mr. Cannon wait on the Council, and propose to that honorable body that both Houses of the General Assembly meet, in the Council Chamber, to-morrow morning at twelve o'clock, to put in nomination persons to be balloted for to fill the vacancies of Justices for the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

*Cl'k of Assembly.*

The same member delivered to the Chair a resolution of that House for adjourning on Saturday next to some future day, and returned also the bill entitled "A supplementary act to an act entitled 'An act for stopping St. Georges Creek, &c.,'" and the amendment proposed by Council acceded to by that House.

The said resolution was read.

On motion,

*Resolved*, That Council concur in the above resolution of the House of Assembly for putting in nomination persons to be balloted for to supply the vacancies of Justices in the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent.

*Ordered*, That the same be returned to the House of Assembly, by Mr. Polk, as concurred in by this House.

Adjourned to ten o'clock to-morrow morning.

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FRIDAY, A. M., February 1, 1788.

The Council met according to adjournment.

Mr. Shankland, a member of the House of Assembly, attending, was admitted and presented to the Chair the Auditor's Report of the 6th of November, 1787, and a report of a com-

mittee of that House respecting the revising and reprinting the Laws of this State, which had been omitted amongst the papers sent to Council yesterday afternoon respecting the same; which said papers were, by order, severally read.

On motion,

*Resolved*, That the Auditor's Report aforesaid be concurred in.

Mr. Robinson, a member of the House of Assembly, being admitted, presented to the Chair a petition of William Brown for the institution of a Court of Appeals, a report of a committee of that House thereupon, and a bill for establishing a Court of Appeals.

The Council and the House of Assembly met, in the Council Chamber, and proceeded to the nomination of persons out of whom Justices shall be elected, by ballot, to fill the vacancies in the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent, as follows:

*For New Castle County*—Thomas McDonough, Esq., Thomas Robinson, Esq.

*For Kent County*—John Clayton, Esq.

*Resolved*, That the Speakers of the two Houses be desired to notify his Excellency, the President, by letter, of the aforesaid nominations, and to request his attendance, at one o'clock in the afternoon of to-morrow, to ballot for Justices to fill the vacancies aforesaid.

*Resolved*, That both Houses now separate, and that they meet again to-morrow, at one o'clock in the afternoon, to ballot for Justices to fill the vacancies aforesaid.

Then the two Houses separated, and Council adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Massey, a member of the House of Assembly, attending, was admitted and presented to the Chair a bill for suspending the operation of an act respecting the estate of John Vining, Esq., deceased.

*Ordered*, That Mr. Tilton wait on the House of Assembly and return the Auditor's Report of the 6th of November, 1787, concurred in by this House.

On motion, by order,

The memorial of William Brown, and the report of the committee of the House of Assembly thereon, together with the bill for establishing a Court of Appeals for this State, were severally read.

Ordered to lie on the table.

The bill for suspending the operation of an act respecting the estate of John Vining, Esq., deceased, was, by order, read.

Ordered to lie on the table.

By special order, the bill for establishing a Court of Appeals, was read a second time.

The said bill was read a third time by paragraphs, and after several amendments being proposed and agreed to, the same was ordered to be transcribed and sent, with the said bill and the several papers which accompanied the same, to the House of Assembly, for their consideration.

Mr. Latimer, a member of the House of Assembly, was admitted and delivered to the Chair the Auditor's Report, dated Jan. 29th, 1788, agreed to by that House, sent for the consideration and concurrence of Council.

On motion,

*Resolved*, That Council concur in the resolution of the House

of Assembly respecting the proposals contained in the paper, No. 1, of George Read, Esq., for revising and reprinting the Laws of this State.

*Ordered*, That the same be returned to the House of Assembly, by Mr. Horsey, as acted upon by this House.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, A. M., Feb. 2d, 1788.

Council met according to adjournment. Mr. Cook appeared in the House.

Mr. Horsey reported the delivery of the last mentioned papers, agreeable to order.

On motion, by order,

The bill for suspending the operation of an act respecting the estate of John Vining, Esq., deceased, was read a second time.

The said bill was read a third time by paragraphs, and several amendments being proposed thereto, was agreed to by Council.

On motion, by order, the Auditor's Report of the 29th of January, 1788, was read and concurred in.

*Ordered*, That the amendments proposed to the foregoing bill be transcribed and returned, with the said bill and the Auditor's Report, to the House of Assembly by Mr. Tilton.

The Council and the House of Assembly having met, in the Council Chamber, for the purpose of electing Justices to fill the vacancies in the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent, it was resolved and declared by both Houses that, although the vacancy in the Court of Common Pleas and Orphans' Court for the County of Kent was occasioned by the appointment of Thomas Collins, Esq., late Chief Justice thereof, to the Presidency of this State, yet it was not the intention of the General Assembly that the

person nominated was to be appointed to fill the place of Chief Justice, but the vacancy *only of a Justice of the said Courts*, and therefore that the nomination for the County of Kent remain open; whereupon a new one was made, as follows:

Richard Smith, Esq., was proposed for Chief Justice; Thomas White, Esq., for second Justice; James Bellach, Esq., for third Justice; John Clayton, Esq., for fourth Justice; and Isaac Carty, Esq., for fourth Justice of the said Courts.

*Resolved*, That both Houses meet, in the Council Chamber, at three o'clock in the afternoon, to elect Justices to fill the vacancies aforesaid.

The two Houses being informed that, in consequence of the notification of yesterday, his Excellency, the President, is now in town,

*Ordered*, That Mr. Grantham, Mr. Vining, and Mr. Mitchell be a committee to wait on his Excellency, the President, and inform him that the General Assembly will be convened, in the Council Chamber, at three o'clock in the afternoon, to elect Justices to fill the vacancies in the Courts aforesaid, and request the attendance of his Excellency.

Then the two Houses separated, and Council adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met according to adjournment.

Agreeable to the order of the day, the Council and the House of Assembly met, in the Council Chamber, and his Excellency, the President, being conducted in by the committee, the President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancies in the Court of Common Pleas and and Orphans' Court for the County of New Castle, and the ballot being taken and examined, Thomas McDonough, Esq., was declared to be duly elected third Justice

of the said Courts, and Thomas Robinson, Esq., was declared to be duly elected fourth Justice of the said Courts.

The President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancy in the Court of Common Pleas and Orphans' Court for the County of Kent, and the ballots being taken and examined, Richard Smith, Esq., second Justice, was declared to be duly elected Chief Justice of the said Courts; Thomas White, Esq., third Justice, was declared to be duly elected second Justice of the said Courts; James Bellach, Esq., fourth Justice, was declared to be duly elected third Justice of the said Courts, and John Clayton, Esq., was declared to be duly elected fourth Justice of the said Courts.

The President withdrew, both Houses separated, and the Council met in the Council Chamber.

The House went into the nomination, and afterwards balloted for three persons as Judges of the Court of Appeals, and the votes being cast up, it was declared that John Dickinson, Nicholas Vandyke, and Joshua Clayton, Esquires, were duly elected.

*Ordered*, That the same be transcribed and sent to the House of Assembly by Mr. Cook.

Mr. Hazzard, a member of the House of Assembly, was admitted and presented to the Chair a letter from the Honorable Dyre Kearney to the Speaker of the House of Assembly, with its inclosures, and a report of a committee of that House thereupon.

Mr. Speaker laid on the table a bill to enforce the collection of outstanding taxes, delivered to him by a member of the House of Assembly, sent for the concurrence of Council; which was read.

By special order, the said bill was read the second time and disagreed to.

On motion, for leave to bring in a bill entitled "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising ten thousand five hundred pounds for the year one thousand seven hundred and eighty-seven,' and to repeal an act entitled 'An act for appropriating the sum of ten thousand five hundred pounds,' and for other appropriation thereof, and other purposes,'" the same was



granted; whereupon Mr. Read presented to the Chair a bill for that purpose, which was read.

By special order, the said bill was read a second time.

Mr. Massey, a member of the House of Assembly, was admitted and delivered to the Chair the following engrossed bills, viz: "An act to establish a Court of Appeals in this State;" "An act for continuing an act entitled 'An act for the settlement of the Wilmington Lottery,' " and "A further supplement to an act entitled 'An act for the recovery of one thousand five hundred and fifty-three pounds eighteen shillings and six pence, due from the estate of John Vining, Esq., deceased, formerly one of the Trustees of the Loan Office for the County of Kent,' " signed by the Speaker of that House.

The aforesaid acts were then severally compared. Ordered that the same be signed by the Speaker.

The bill entitled "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service of the year 1787,' and to repeal an act, &c.,'" was read a third time by paragraphs and passed the House.

*Ordered*, That Mr. Polk wait on the House of Assembly and deliver the aforesaid bill for their consideration and concurrence, and also return the last mentioned engrossed bill together with the engrossed bill entitled "An additional supplementary act to the act entitled 'An act for stopping St. George's Creek, and for embanking and draining a quantity of marsh and cripple on said creek," and also the engrossed bill entitled "An act for repealing all acts or parts of acts repugnant to the treaty of peace between the United States and his Britannic Majesty," signed by the Speaker of this House, which last mentioned act is sent to be signed by the Speaker of the House of Assembly.

The same member also returned the bill to enforce the collection of the outstanding taxes, as disagreed to by this House.

On motion, ordered,

That the Clerk of the Council give public notice, by advertisement, to be fixed on the door of the Court House in the Town of Dover, that a bill for appointing Commissioners for the said Town

of Dover, and vesting in them divers powers of regulation, is now before the Council, the consideration whereof will be resumed at their next meeting, at which time any person having objections to the said bill or parts thereof may appear and make the same, and that a copy of the said bill may be obtained by application to the Clerk of the Council.

On motion, by order,

The letter from the honorable Dyre Kearney to the Speaker of the House of Assembly, inclosing the statement of his account with the Delaware State, as also inclosing an account of the honorable Nathaniel Mitchell against the Delaware State, and the resolution of the House of Assembly thereon, were severally read.

*Resolved*, That the said resolution of the House of Assembly be concurred in.

*Ordered*, That the said papers be returned to the House of Assembly by Mr. Horsey, as acted upon by this House.

The same member also returned the three petitions of the owners of the St. George's meadows, and a report of a committee of that House thereon.

*Resolved*, That the Council proceed to put in nomination persons out of whom shall be elected a Privy Councillor in the room of Charles Pope, whose time is expired, agreeable to the Constitution of this State; and thereupon Allen McLane, Esquire, only was nominated.

The House proceeded to the ballot, which being examined, the said Allen McLane, Esq., was declared to be duly elected.

*Resolved*, That a certificate of the appointment of John Dickinson, Nicholas Vandyke, and Joshua Clayton, Esquires, by the Council, as Judges of the Court of Appeals, be made out, signed by the Speaker, and delivered to the President, in order that they may be commissioned by him, agreeable to the 17th Article of the Constitution or System of Government of this State.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair the engrossed bill entitled "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service

of the year 1787,' and to repeal an act entitled 'An act for appropriating, &c.,' " signed by the Speaker of that House.

The said bill was compared and signed by the Speaker of Council.

The same member also delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, Feb. 2, 1788.

On motion,

*Resolved*, That the President and Commander-in-Chief affix the Great Seal of the State to the following acts:

1. An act for continuing an act entitled 'An act for the settlement of the accounts of the Wilmington Lottery;'"

2. "A further supplement to an act entitled 'An act for the recovery of one thousand five hundred and fifty-three pounds, eighteen shillings and six pence, due from the the estate of John Vining, Esq., deceased, formerly one of the Trustees of the Loan-Office for the County of Kent;'"

3. "An additional supplementary act to an act entitled 'An act for stopping St. George's Creek, and for embanking and draining a quantity of marsh and cripple on both sides of the said Creek, being deemed about three thousand acres, situate in Red Lion and St. George's Hundreds, and County of New Castle, and for keeping the dikes and drains belonging to the same in good order and repair;'"

4. "An act for repealing all acts, or parts of acts, repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof;"

5. "An act to establish a Court of Appeals in this State;"

6. "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising ten thousand five hundred pounds for the service of the year one thousand seven hundred and eighty-seven,' and to repeal an act entitled 'An act for appropriating the sum of ten thousand five hundred pounds, and for other appropriation thereof, and other purposes.'"

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

On motion,

*Resolved*, That the same be concurred in.

*Ordered*, That Mr. Horsey wait on the House of Assembly and return the said engrossed bills and resolution.

A written notice was delivered to the Chair, signed by the Speaker of the House of Assembly, of the adjournment of that House to the 27th of May next.

Then Council allowed the following accounts, viz:

To the Hon. Thomas McDonough, Esq., Speaker, for his attendance in Council, 25 days and mileage,	£ 23 10 0
To George Read, Esq., for 19 do. and mileage, . . .	12 18 0
To Nicholas Vandyke, Esq., 11 do. do., . . . . .	8 5 0
To John Baning, Esq., 16 do., . . . . .	9 12 0
To James Tilton, Esq., 8 do., . . . . .	4 16 0
To John Cook, Esq., 14 do. do., . . . . .	8 16 0
To Alexander Laws, Esq., 24 do. do., . . . . .	15 10 8
To Daniel Polk, Esq., 18 do. do., . . . . .	11 9 0
To Isaac Horsey, Esq., 18 do. do., . . . . .	12 9 3
To James Sykes, Esq., for transcribing, &c., last session, . . . . .	3 17 6
To John E. Clayton, 17 days' attendance, engrossing a bill, and cash expended, . . . . .	11 15 9
To Benjamin Crooks, 27 days' attendance as Door-keeper, and notifying seven persons to attend Council, . . . . .	12 15 0
To Mrs. Elizabeth Battell, for the use of a room, fire-wood and candles, . . . . .	20 0 0
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	£155 14 2

On motion,

*Resolved*, That orders be drawn on the State Treasurer by the Speaker for the payment of the several sums aforesaid.

Whereupon orders were drawn and signed accordingly.

Then Council adjourned to the 27th day of May next.

# VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

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ADJOURNED SESSION, MAY, 1788.

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At a session commenced at Dover, on Tuesday, the twenty-seventh day of May, in the year of our Lord one thousand seven hundred and eighty-eight, divers of the members met, but the number not being a quorum, adjourned to Wednesday, when there appeared as follows:

*For New Castle County*—Thomas McDonough, Esq., Speaker.

*For Kent County*—James Tilton, John Baning, John Cook.

*For Sussex County*—Alexander Laws.

By order, the minutes of the last sitting of Council were read.

Adjourned to 10 o'clock to-morrow morning.

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THURSDAY, A. M., May 29, 1788.

Divers of the members met, but the number not being sufficient to form a quorum, adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., May 30, 1788.

Council met. Present the same members as on Wednesday last.

On motion, by order,

The bill entitled "An act to incorporate the Physicians of the Delaware State, and for other purposes therein mentioned," read in Council on the 25th of January last, was now read a second time.

*Ordered* that the same be referred to a committee of three, to report thereon. The members appointed are Mr. Speaker, Mr. Tilton, and Mr. Cook.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met. Present the same members.

Mr. Tilton, from the committee to whom was referred the bill entitled "An act to incorporate the Physicians of the Delaware State, &c.," reported several amendments, which were read and agreed to.

*Ordered*, That the same be transcribed and sent, with the said bill, to the House of Assembly, by Mr. Cook, for their concurrence.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, A. M., May 31, 1788.

Council met. Present the same members, and Mr. Read.

Adjourned to 10 o'clock, Monday morning.

MONDAY, P. M., June 2d, 1788.

Council met. Present all the members, except Mr. Vandyke.

Mr. Vining, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the heirs of Goldsmith Edward Folwell, deceased;" which was read.

Ordered to lie on the table.

Mr. Read applied for leave of absence, which was granted.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., June 3d, 1788.

Council met according to adjournment.

The bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the administrators of G. E. Folwell, deceased," was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. May, a member of the House of Assembly, was admitted and delivered to the Chair several notifications and certificates of Benjamin Chandler relative to a lost deed; which were read.

Council took into consideration the bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the

heirs of Goldsmith E. Folwell, deceased," and after some time spent therein, the same was deferred for further consideration.

The committee to whom was referred the consideration of the bill entitled "An act to repeal the act for the further security of the Government," now report in favor of the same, but are of opinion that provision should be made for the naturalization of foreigners, as the act of Assembly now in being for that purpose, since the change of government, is inadequate thereto; therefore they have essayed a draught of a bill, by way of supplement to that act of Assembly, which they submit to the consideration of Council.

On motion, by order,

The bill entitled "A supplementary act to the act entitled 'An act for naturalization,' " was read.

By special order,

The bill entitled "An act to repeal an act entitled 'An act for the further security of the Government,' " was read a third time by paragraphs and passed the House.

By special order,

The bill entitled "A supplementary act to the act entitled 'An act for naturalization,' " was read a second time, and a third time by paragraphs and passed the House.

Ordered that the said bill be transcribed.

Adjourned to 10 o'clock to-morrow morning.

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WEDNESDAY, A. M., June 4, 1788.

Council met according to adjournment.

*Ordered,* That Mr. Cook wait on the House of Assembly and deliver the last mentioned bill for their consideration and concurrence, and return the bill entitled "An act to repeal an act enti-



tled 'An act for the further security of the Government,' " as agreed to by Council.

Mr. Tilton delivered to the Chair the Auditor's report of the outstanding taxes of this State; which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

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### EODEM DIE, P. M.

Council met.

Mr. Speaker laid on the table the petition of Benjamin Chandler respecting a lost deed, which had been omitted among the other papers relative thereto; also two petitions from divers inhabitants of New Castle County, praying leave to bring in a bill for the establishing of public marts or fairs at Cantwell's Bridge, in said county; which were read.

Ordered to lie on the table.

Mr. Hazzard, a member of the House of Assembly, being admitted, delivered to the Chair a bill entitled "An act to enable John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey unto Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County;" also the petition on which the said bill is founded, and a communication from the Auditor, of the 4th June, 1788; which were read.

Ordered to lie on the table.

The same member also delivered to the Chair a resolution of the House of Assembly; which was read, and is as follows:

IN THE HOUSE OF ASSEMBLY, June 4, 1788.

On motion,

*Resolved*, That a Joint Committee of both Houses be appointed to consider the finances of this State of every kind and nature

whatsoever; and for the purpose of enabling such committee to discharge the said duty, and for their information therein, that they be directed to require the Auditor to furnish them with a general account of all debts due by the State, of all debts due to the State, and of all engagements of the public to be speedily complied with, arranging them distinctly in the manner required by the 12th, 13th, and 14th sections of the act for amending and continuing the provisions made in the act for auditing and arranging the accounts of this State; that they have power to require of all officers of this State intrusted with the public monies, mortgages, pledges, or other securities whatsoever, or of any persons whom it may concern, distinct and clear accounts of the same; and to examine into the sufficiency of sureties in all cases where bonds have been given for the execution of such trusts; and generally that they take such steps and report such measures as they may deem necessary to be adopted for the better conducting, directing, and ordering the revenues or finances of this State. The members appointed on the part of this House are Mr. May, Mr. Clayton, Mr. Vining, Mr. Shankland, and Mr. Gordon.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

On motion,

*Resolved*, That Council concur in the above resolution.

The members appointed on the part of this House, are Mr. Read and Mr. Cook.

*Ordered*, That Mr. Polk wait on the House of Assembly with the same, as acted upon by this House.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, June 5, 1788, A. M.

Council met according to adjournment.

Mr. McCall, a member of the House of Assembly, being admitted, presented to the Chair a memorial of Thomas Rodney, Esq., executor of the testament and last will of Cæsar Rodney, Esquire, deceased, who was acting Trustee of the Loan Office for the County of Kent, praying a reëxamination of the accounts of the said office, together with a resolution of that House thereupon; which were read, and deferred for further consideration.

The same member also delivered to the Chair a bill entitled "An act to appropriate the perquisites arising on tavern and marriage licenses;" which was read.

Ordered to lie on the table.

On motion of Mr. Read, for leave to bring in a bill for limiting the time for keeping open the Courts of General Quarter Sessions of the Peace and Goal Delivery in the respective Counties of this State, the same was granted; whereupon he presented to the Chair a bill for that purpose; which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met according to adjournment.

Mr. Hays, a member of the House of Assembly, was admitted and delivered, for the consideration and concurrence of Council, a bill, which was read, entitled "An act to provide for the appropriation of such certificates of depreciation as have not been claimed by the persons justly entitled to the same," and returned the bill entitled "A supplementary act to the act for naturali-

zation," with an amendment proposed by that House, which was read.

Ordered to lie on the table.

The same member also presented to the Chair the President's message of the 28th of January, 1788, setting forth the many evils which have arisen from the frequent practice of some of the Justices holding their meetings for the administration of justice at public inns or taverns, and the great impropriety of Judges or Justices of the Peace keeping public inns or taverns, and calling the attention of the General Assembly on those subjects; also relinquishing the perquisites arising on tavern and marriage licenses, and requesting the appropriation thereof to some other purpose; which was read.

Ordered to lie on the table.

Mr. Latimer, a member of the House of Assembly, was admitted, and delivered to the Chair a bill entitled "An act to authorize and empower the executors of the testament and last will of Richard McWilliam, the younger, late of New Castle County, deceased, to convey, in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County of New Castle," together with a petition from the said executors, and sundry other papers, upon which the said bill is founded; which were read.

Ordered to lie on the table.

Mr. Revell, a member of the House of Assembly, was admitted and presented to the Chair a bill entitled "An act to regulate marriages," and a petition upon which the said bill is founded; which were read.

Ordered to lie on the table.

Council resumed the consideration of the bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the administrators of Goldsmith E. Folwell, deceased; which, being read the third time, by paragraphs, and amended, passed the House.

*Ordered,* That the said amendments be transcribed and sent, with the bill, to the House of Assembly for their consideration and concurrence.

The bill entitled "An act to empower John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County," was read a second time.

*Ordered*, That the said bill, and the petition on which it is founded, be referred to Mr. Cook, Mr. Baníng, and Mr. Polk, to report thereon.

Council took into consideration the amendment proposed by the House of Assembly to the bill entitled "A supplementary act to the act entitled 'An act for naturalization,'" and acceded to the same.

*Ordered* that the said bill be engrossed.

Adjourned to ten o'clock to-morrow morning.

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FRIDAY, June 6, 1788, A. M.

Council met according to adjournment.

The committee to whom was referred the bill entitled "An act to empower John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land, &c.," brought in their report; which was read.

*Ordered* to lie on the table.

The bill entitled "An act to provide for the appropriation of such certificates of depreciation as have not been claimed by the persons justly entitled to the same," was read a second time and deferred for further consideration.

The bill entitled "An act for limiting the time of holding the Courts of Quarter Sessions of the Peace and Goal Delivery in the respective Counties of this State," was read a second time and deferred for further consideration.

The bill entitled "An act to regulate marriages," was read a second time and deferred for further consideration.

A member of the House of Assembly was admitted and delivered to the Chair a bill entitled "An act to continue in force an act entitled 'An act to increase the daily allowance to Grand and Petit Jurors and Witnesses;'" which was read.

Ordered to lie on the table.

The Council proceeded to the consideration of the bill entitled "An act to empower John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County;" which, being read the third time, by paragraphs, and amended, passed the House.

*Ordered*, That the said amendments be transcribed and sent, with the bill, to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met.

Mr. Speaker laid upon the table a petition of John Darby, of Sussex County, read in the House of Assembly the 19th of January, 1785, setting forth the loss of a certificate, No. 18, for the sum of sixteen pounds nineteen shillings and six pence, signed by Peter White, Receiver General of Supplies for Sussex County, and a report of the Auditor thereupon; which said certificate is since found and now produced before Council; therefore

*Resolved*, That the said petition and report be dismissed.

By special order,

The bill entitled "An act for limiting the time for keeping open the Courts of General Quarter Sessions of the Peace and

Goal Delivery of the respective Counties of this State," was read the third time by paragraphs and passed the House.

Mr. Shankland, a member of the House of Assembly, was admitted and presented to the Chair the following papers, which were read: A petition of Frederick Craig and Co., and a resolution of that House upon the same, for the payment of twenty pounds to the said Craig and Co., to assist in the establishment of a post to ride from Wilmington to Lewestown, and for sundry services.

Ordered to lie on the table.

By special order, the bill entitled "An act to continue in force an act entitled 'An act to increase the daily allowance to Grand and Petit Jurors and Witnesses,' " was read a second time.

The said bill was read a third time, by paragraphs, and passed the House.

By special order,

The bill entitled "An act to appropriate marriage and tavern licenses," was read the third time, by paragraphs, and passed the House.

*Ordered*, That Mr. Polk wait on the House of Assembly and deliver the three last mentioned bills, for the consideration and concurrence of that House.

On motion,

*Resolved*, That Council concur in the resolution of the House of Assembly upon the petition of Frederick Craig and Co., for the payment of twenty pounds to assist in the establishment of a post, &c.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., June 7, 1788.

Council met.

*Ordered*, That the last mentioned petition and resolution be sent to the House of Assembly by Mr. Horsey.

Mr. Speaker laid before Council a resolution of the House of Assembly, which was read, as follows:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, P. M., June 11, 1788.

On motion,

*Resolved*, That it is the intention of this House to conclude the present sessions to-morrow evening by adjourning the same to a distant day.

*Ordered*, That Mr. Latimer wait on the Council with a copy of the above resolution for their information.

JAS. BOOTH, *Cl'k of Assembly*.

On motion made and seconded, for leave to bring in a bill for the purpose of directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their return on writs of *feri facias*, the same was granted; whereupon Mr. Read laid before Council a bill for that purpose; which was read.

Ordered to lie on the table.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for altering the place of holding the general election, for the present year, in the County of Sussex;" which was read.

Ordered to lie on the table.

The bill entitled "An act to empower the executors of the testament and last will of Richard McWilliam, the younger, late of New Castle County, deceased, to convey, in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County



of New Castle," was read a second time and deferred for further consideration.

Council proceeded to consider the communication of the Auditor, of the 4th of June, 1788.

The bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for returns on writs of *fieri facias*," was read a second time and deferred until this afternoon for further consideration.

The bill entitled "An act for altering the place of holding the general election for the County of Sussex for the present year," was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met.

The Council resumed the consideration of the bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for returns on writs of *fieri facias*," and the same being read the third time, by paragraphs, and amended, passed the House.

*Ordered*, That Mr. Cook wait on the House of Assembly with the same for their consideration and concurrence.

Mr. Hazzard, a member of the House of Assembly, was admitted and delivered to the Chair the following verbal message, viz:

The House of Assembly propose to the honorable the Council that both Houses of the General Assembly meet, at four o'clock in the afternoon, in the Council Chamber, to put in nomination persons out of whom shall be elected, by ballot, a Justice of the Court of Common Pleas and Orphans' Court for the County of

Sussex, to supply the place of John Laws, Esquire, deceased, late third Justice of the said courts.

Saturday, A. M., June 7, 1788.

By special order,

The bill entitled "An act for altering the place of holding the general election, for the present year, in the County of Sussex," was read the third time by paragraphs and passed the House..

*Ordered*, That the same be returned to the House of Assembly by Mr. Laws.

Mr. Massey, a member of the House of Assembly, was admitted and returned the bill entitled "An act for limiting the time for keeping open the Courts of General Quarter Sessions of the Peace and Goal Delivery in the respective Counties of this State," rejected by that House.

Adjourned to Monday morning, 10 o'clock.

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MONDAY, A. M., June 9, 1788.

Council met, and proceeded to the consideration of the resolution on the memorial of Thos. Rodney, Esquire, executor of the testament and last will of Cæsar Rodney, Esq., deceased; which was read, and several amendments being proposed and agreed to,

*Ordered*, That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Mr. Speaker laid before Council the following resolution, which was read:

IN THE HOUSE OF ASSEMBLY,

SATURDAY, A. M., June 7, 1788.

On motion,

*Resolved*, That copies of the acts of Assembly of this State be delivered to George Read, Esquire, to enable him to commence

and complete the revision of the laws of this State, agreeable to his contract with the General Assembly; and that James Booth be appointed to procure such copies, and the expenses that may be necessarily incurred therein shall be defrayed by this State.

That an order be drawn by the Speakers of both Houses upon the Trustee of the Loan Office for New Castle County for the immediate payment of one hundred and forty-five pounds, eleven shillings and six pence to the said George Read out of the interest monies of the said office, being the principal, interest, and costs of the two mortgages, as specified in the proposition made by the said George Read, communicated to the General Assembly on the third of February, 1787, and accepted and agreed to by the House of Assembly and Council on the 31st day of January and the 1st day of February last. And in case of death or any other event that shall prevent the said George Read from executing the said work of revision, that the said sum be accounted for by him, his heirs, executors, or administrators.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

Mr. Shankland, a member of the House of Assembly, was admitted and returned the bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for returns on writs of *feri facias*," concurred in by that House.

Ordered that the said bill be engrossed.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Mr. Gordon, a member of the House of Assembly, was admitted and presented to the Chair a bill entitled "An act to incorporate the Members of the Library Company of Wilmington;" which was read.

Ordered to lie on the table.

The Council proceeded to consider the bill entitled "An act to empower the executors of Richard McWilliam, the younger, deceased, to convey, in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County of New Castle;" which, being read the third time, by paragraphs, and an amendment proposed and agreed to, passed the House.

*Ordered,* That the said amendment be transcribed and sent, with the bill and the resolution for a draught on the Loan Office of New Castle for the payment of one hundred and forty-five pounds seventeen shillings and six pence to George Read (which said resolution was concurred in by Council), to the House of Assembly.

Mr. Massey, a member of the House of Assembly, was admitted and presented to the Chair the resolution upon the memorial of Thomas Rodney for a reëxamination of the Loan Office Accounts of Kent County, with the amendments acceded to by that House.

*Ordered,* That Mr. Cook wait on the House of Assembly and return the same.

By special order,

The bill entitled "An act to regulate marriages," was read the third time, by paragraphs, and some amendments being proposed and agreed to, passed the House.

*Ordered,* That the said amendments be transcribed and sent, with the bill, to the House of Assembly, for their consideration and concurrence.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., June 10, 1788.

Council met.

Mr. Vining, a member of the House of Assembly, was admitted and presented to the Chair a bill (which was read) entitled "An act to continue in force an act entitled 'A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,' passed February 5, 1785, and for other purposes.'"

Ordered to lie on the table.

The bill entitled "An act to incorporate the Library Company of Wilmington," was read a second time and deferred for further consideration.

Mr. Polk, a member of the House of Assembly, was admitted and presented to the Chair a report of a committee upon the petition of Maurinas Haughey, and an order of that House upon the same, sent for concurrence.

Ordered to lie on the table.

Mr. Hayes, a member of the House of Assembly, was admitted and delivered to the Chair two reports of the Auditor of Accounts, dated June the 5th and 6th, 1788, concurred in by that House, and sent for the concurrence of Council; which were read.

Ordered to lie on the table.

*Ordered,* That Mr. Cook wait on the House of Assembly and deliver the following verbal message, to wit:

The Council, in answer to the proposal made by your honorable House on Saturday last, respecting the putting in nomination persons to be balloted for as a Justice of the Court of Common Pleas and Orphans' Court for the County of Sussex, to supply the place of John Laws, Esquire, accede to the same, and propose three o'clock this afternoon as the time for the meeting of both Houses in the Council Chamber.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. McCall, a member of the House of Assembly, was admitted and delivered the following verbal message:

The House of Assembly will meet the honorable the Council half an hour hence, in the Council Chamber, for the purpose expressed in their verbal message of this day.

The bill entitled "An act to continue in force an act entitled 'A supplement to an act for the more easy and speedy recovery of small debts, &c.,'" was read a second time and deferred for further consideration.

The Council and the House of Assembly met, in the Council Chamber, and proceeded to the nomination of persons to be balloted for as Justices of the Court of Common Pleas and Orphans' Court for the County of Sussex, as follows: John Clowes, Esquire, was proposed for third Justice, and Alexander Laws, Esquire, for fourth Justice.

*Resolved*, That both Houses separate for the space of ten minutes, and that they then meet and proceed to the election aforesaid.

, Agreeable to order, the Council and the House of Assembly met in the Council Chamber.

*Ordered*, That Mr. Vining, Mr. Grantham, and Mr. D. Polk be a committee to wait on his Excellency, the President, and inform him that the General Assembly are now convened to elect Justices to fill the vacancies in the Courts aforesaid, and request his attendance.

Whereupon his Excellency, the President, being conducted in by the committee, the President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancy in the Court of Common Pleas and Orphans' Court for the County of Sussex, and the ballots being taken and examined, John Clowes, Esquire, fourth Justice, was declared to be duly elected third Justice of the said Courts; and Alexander

Laws, Esquire, was declared to be duly elected fourth Justice of the said Courts.

The President withdrew, both Houses separated, and the Council met in the Council Chamber.

The bill entitled "An act to continue in force an act entitled 'A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,' passed February 3d, 1785,' and for other purposes," was read the third time, by paragraphs, and several amendments being proposed and agreed to, passed the House.

*Ordered*, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly, for their consideration and concurrence.

Mr. Evans, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for continuing the powers of the Collectors of the State Taxes;" which was read.

Ordered to lie on the table.

The bill entitled "An act to incorporate the Members of the Library Company of Wilmington," was read the third time, by paragraphs, and, being amended, passed the House.

*Ordered*, That the said amendments be transcribed and sent, with the bill, to the House of Assembly, by Mr. Polk, for their consideration and concurrence.

By special order,

The bill entitled "An act for continuing the powers of the Collectors of the State Taxes," was read a second time and deferred for further consideration.

On motion, the order of the House of Assembly upon the petition of Maurinas Haughey, respecting a lost certificate, was read, considered, and concurred in by Council.

The last mentioned bill was read the third time by paragraphs and passed the House.

*Ordered*, That the same, together with the papers upon the

petition of Maurinas Haughey, be returned to the House of Assembly by Mr. Laws.

Adjourned to 8 o'clock to-morrow morning.

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WEDNESDAY, A. M., June 11, 1788.

Council met.

On motion for leave to bring in a bill for directing elections of members of the Council in certain cases of vacancies, the same was granted; whereupon Mr. Read laid before Council a bill for that purpose, which was read.

By special order, the same was read a second time, and the third time, by paragraphs, and passed the House.

*Ordered*, That the same be transcribed; which was done accordingly.

The Auditor's Report of the 5th June, 1788, was read, and an amendment being proposed and agreed to, ordered that the same be transcribed.

The Auditor's Report of the 6th of June was read, considered, and agreed to.

A member of the House of Assembly was admitted and presented to the Chair an order of that House, which was read as follows:

IN THE HOUSE OF ASSEMBLY,

WEDNESDAY, A. M., June 11th, 1788.

On motion,

*Ordered*, That the following part of the report agreed to by this House on the 30th day of January last be sent to the Council for their consideration and concurrence, to wit:

In the communication from the Auditor, dated October 29th, 1787, is inserted an extra charge of the Auditor in his own favor



for services done in Wilmington, stated to be full three months attendance, for which he hopes a reasonable allowance. Your committee therefore report that for such services and attendance the Auditor be allowed the sum of sixty pounds.

*Ordered*, That Mr. Hazzard wait on the Council and deliver the same.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly*.

The foregoing order of the House of Assembly, with their agreement to the report of their committee on the communication of the Auditor made as above stated, being taken into consideration; thereupon

*Resolved*, That an order be drawn upon the State Treasurer, by the Speakers of the two Houses of the General Assembly of this State, for the sum of sixty pounds, to be paid to Eleazar McComb, Esq., as Commissioner of this State, for attaining a settlement of the accounts thereof against the United States, in part of his services in that business during the time of such his appointment.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly, that the Speakers of both Houses draw an order on the State Treasurer for the payment of fifty pounds to his Excellency, the President, in order to defray his expenses during his attendance on the present and preceding sessions of the General Assembly.

In Council, read, considered, and concurred in.

*Ordered*, That the two following engrossed bills be sent to the House of Assembly, by Mr. Horsey, to be signed by the Speaker, viz: The bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of  *fieri facias*;" and the bill entitled "A supplementary act to the act entitled 'An act for naturalization;'" also that the bill entitled "An act directing elections of members of the Council in certain cases of vacancies," be sent for the consideration and concurrence of that House.

*Ordered*, That the same member also return the report of the

Auditor of the 5th June, 1788, with its amendments, for the consideration and concurrence of the House of Assembly; also the report of the 6th June, 1788, thus acted upon in Council: read, considered, and agreed to; and the resolution for the payment of fifty pounds to his Excellency, the President, thus acted upon: read, considered, and concurred in.

Mr. Vining, a member of the House of Assembly, was admitted and delivered to the Chair the following engrossed bills, to be signed by the Speaker of the Council, to wit:

The bill entitled "An act to continue in force an act entitled 'A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,' passed February 3d, 1785,' and for other purposes;"

The bill entitled "An act to regulate marriages;"

The bill entitled "An act to incorporate the Members of the Library Company of Wilmington;"

The bill entitled "An act to continue in force an act entitled 'An act to increase the daily allowance to Grand and Petit Jurors and Witnesses;'"

The bill entitled "An act to repeal an act entitled 'An act for the further security of the Government;'"

The bill entitled "An act to appropriate the perquisites arising from marriage and tavern licenses;"

The bill entitled "An act for continuing the powers of the collectors of the State taxes;"

The bill entitled "An act for altering the place of holding the general election for the present year in the County of Sussex;"

The bill entitled "An act to enable John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Raynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County;"

The bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the heirs of Goldsmith E. Folwell, deceased;" and

The bill entitled "An act to empower the executors of the

testament and last will of Richard McWilliam, the younger, late of New Castle County, deceased, to convey in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County of New Castle;"

And the said bills, being severally compared, were signed accordingly.

Mr. Gordon, a member of the House of Assembly, was admitted and returned the two engrossed bills sent by Mr. Horsey to be signed by the Speaker of that House; together with the bill entitled "An act directing the election of members of the Council in certain cases of vacancy," which were severally compared and signed by the Speaker of the Council.

The same member also delivered to the Chair the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,

WEDNESDAY, June 11, 1788, A. M.

On motion,

*Resolved*, That the President or Commander-in-Chief affix the Great Seal to the following laws: \*

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\* So ends the record of the proceedings at this session.



# VOTES AND PROCEEDINGS

OF THE

## COUNCIL OF THE DELAWARE STATE.

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DOVER, October 20, 1788. †

Divers of the members met, but the number not being a quorum, adjourned from day to day until Thursday, the 23d.

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THURSDAY, A. M., October 23, 1788.

It appears by the returns of the officers of the several Counties in this State, appointed by law to be Judges of Elections, that on the first day of October instant, at the usual places of election for the said Counties, the following gentlemen were chosen to represent the said Counties in the Council of the Delaware State, viz:

*For New Castle County*—Gunning Bedford, Thomas Kean.\*

*For Kent County*—Nicholas Ridgely.

*For Sussex County*—George Mitchell, Daniel Polk.†

All the members now appeared except Mr. Kean and Mr. Horsey.

The Council proceeded to the choice of a Speaker, and George Mitchell, Esquire, was unanimously elected.

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\* In the place of Mr. McDonough. † In the place of Alexander Laws.

The Speaker, in the Chair, and afterwards Mr. Bedford, Mr. Ridgely, and Mr. Polk, took the oath of allegiance and made and subscribed the declaration of faith prescribed by the Constitution. [*See note on page 10.*]

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to ten o'clock to-morrow morning.

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FRIDAY, A. M., October 24, 1788.

Council met. Present the same members as on yesterday.

On motion, by order,

The rules to be observed by the members of Council, made and agreed to in October, 1776, together with the addition made thereto by Council in October, 1786, were read and adopted as the rules to be observed by Council.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Mr. Kean appeared in the House and took the oath of allegiance and made and subscribed the declaration of faith prescribed by the Constitution. [*See note on page 10.*]

On motion, by order,

The bill, read in Council the 29th of January last, entitled "An act for appointing John Baning, Eleazer McComb, and Nicholas Ridgely, Esquires, Commissioners for the Town of Dover, was now read the second time and referred to Mr. Ridgely, Mr. Cook, and Mr. Baning, to report thereon.

On motion,

*Resolved*, That Mr. Ridgely be appointed to supply the place of George Read in the Committee on Finance, who was appointed on the part of Council on the 4th of June, 1788.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, A. M., October 25, 1788.

Council met.

Mr. Speaker laid before Council the following papers delivered him by a member of the House of Assembly, which were read, viz: a message from the President of the 23d of October instant; a circular letter from the Secretary of Congress of the 13th September, 1788; and an act of Congress of the 13th of the same month, for giving operation to the new Constitution.

The Speaker also laid before the Council the following verbal message from the House of Assembly, viz:

The House of Assembly propose to the honorable the Council that both Houses of the Legislature meet, in the Council Chamber, to-morrow at twelve o'clock at noon, to put in nomination persons out of whom shall be elected by ballot two Senators to represent this State in the Congress of the United States, agreeable to the third section of the first article of the Constitution of the United States; it appearing, from the communication to this General Assembly of the act of Congress of the 13th of September last, for putting into operation the said Constitution, that the

same hath been ratified in the manner therein declared to be sufficient for the establishment thereof.

JAS. BOOTH, *Cl'k of Assembly.*

Friday, P. M. Oct. 24th, 1788.

On motion,

*Ordered*, That Mr. Ridgely wait on the House of Assembly with the following verbal message:

The Council agree to the proposal made by your honorable House, of yesterday, for the meeting of both Houses of the Legislature in the Council Chamber to-day, at twelve o'clock, at noon, to put in nomination persons out of whom shall be elected two Senators to represent this State in the Senate of the United States, agreeable to the message of your honorable House; and the Council inform your honorable House that they will be ready to receive you in fifteen minutes.

Mr. Speaker laid upon the table a letter from George Read, Esq., of the 20th of October, instant; which was read.

Ordered to lie on the table.

Mr. Holland, a member of the House of Assembly, was admitted and delivered the following verbal message:

The House of Assembly propose to the honorable the Council that the two Houses of the General Assembly proceed to the nomination of persons out of whom shall be elected, by ballot, a Justice of the Court of Common Pleas and Orphans' Court for the County of Sussex, to supply the vacancy occasioned by the death of William Polk, Esq., at the time both Houses are convened to nominate persons for Senators.

On motion,

*Ordered*, That Mr. Vandyke wait on the House of Assembly with the following verbal message:

The Council agree to the proposal of your honorable House for putting in nomination persons out of whom to be chosen a Judge to supply the vacancy in the Court of Common Pleas and Orphans' Court of Sussex County, occasioned by the death of William Polk, Esq.



The General Assembly met, in the Council Chamber, and proceeded to the nomination of persons out of whom shall be elected Senators to represent this State in the Senate of the United States; and also Justices of the Court of Common Pleas and Orphans' Court for the County of Sussex, to fill the vacancy occasioned by the death of William Polk, Esq., when the following gentlemen were nominated for Senators, viz: George Read, Esq., Gunning Bedford, Junior, Esq., and Richard Bassett, Esq.; and the following nominations were made for Justices of the said Courts, viz: John Clowes, Esq., was nominated for second Justice; Alexander Laws for third Justice; Peter F. Wright for fourth Justice, and Simon Kollock for fourth Justice.

*Resolved*, That both Houses meet, in the Council Chamber, at three o'clock this afternoon, to ballot for Senators; and that they proceed, at four o'clock, to the election of Justices to supply the vacancy aforesaid.

*Ordered*, That Mr. Vining, Mr. Truitt, and Mr. Vandyke be a committee to wait on his Excellency, the President, and inform him that both Houses of the General Assembly will be convened in the Council Chamber, at four o'clock in the afternoon, to ballot for Justices to supply the vacancy aforesaid, and request the attendance of his Excellency.

Then both Houses separated, and Council adjourned to three o'clock.

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EODEM DIE, P. M.

Council met according to adjournment.

The General Assembly met, in the Council Chamber, and proceeded, by joint ballot, to the election of Senators to represent this State in the Senate of the United States, and the ballots being taken and examined, George Read and Richard Bassett, Esquires, were declared to be duly elected.

His Excellency, the President, being conducted in by the com-

mittee, the President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancy in the Court of Common Pleas and Orphans' Court in the County of Sussex, and the ballots being taken and examined, John Clowes, Esq., third Justice, was declared to be duly elected second Justice; Alexander Laws, Esq., fourth Justice, was declared to be duly elected third Justice; and Peter F. Wright, Esq., was declared to be duly elected fourth Justice of the said Courts.

The President withdrew, both Houses separated, and Council adjourned to Monday morning, 10 o'clock.

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MONDAY, A. M., October 27, 1788.

Council met. Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met.

On motion of Mr. Ridgely, for leave to bring in a bill, by way of supplement to an act entitled "An act directing the manner and form of securities to be given by Sheriffs, and prescribing a time for their returns on writs of *fiery facias*," the same was granted; whereupon he laid upon table a bill for that purpose; which was read.

By order, the said bill was read the second time and deferred for further consideration.

Mr. Bishop, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act directing the time, places and manner of holding an election for a Representative of this State in the Congress of the United States, and

for appointing Electors, on the part of this State, for choosing a President and Vice-President of the United States, which was read.

Ordered to lie on the table.

Mr. Montgomery, a member of the House of Assembly, was admitted and delivered to the Chair a report of the Auditor, dated the 24th of October instant, which was read.

Ordered to lie on the table.

Adjourned to eight o'clock to-morrow morning.

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TUESDAY, A. M., October 28, 1788.

Council met.

The bill entitled "An act directing the time, place and manner of holding an election for a Representative, &c.," was read the second time.

By special order, the said bill was read the third time by paragraphs and amended.

*Ordered*, That the said amendments be transcribed by the Clerk.

The report of the Auditor, dated the 24th instant, was read and agreed to, as follows:

The Auditor begs leave to report: That John McKinly, Esq., produced to him, in Wilmington, a small quarto paper book, which, he informed him, he had fortunately discovered among some old papers; that upon examining the same he found it contained accounts of the receipts and expenditures of public monies by the said John McKinly, Esq., as Treasurer of the Committee of New Castle County, as Military Treasurer of the said County, and as Speaker of the House of Assembly of this State; and the Auditor particularly noted that the sum of eight hundred and eighty-two pounds, twelve shillings and four pence, received by

the said John McKinly, Esq., from Thomas Collins, Esq. on the 9th day of November, 1776, was therein credited and accounted for in a settlement made with a Joint Committee of the General Assembly, entered in the Journals of the House of Assembly for February, 1777, in page 103.

ELEAZER McCOMB.

*Auditor's Office, Oct. 24th, 1788.*

In the House of Assembly, Monday, P. M., October 27, 1788, read and concurred in.

JAS. BOOTH, *Cl'k of Assembly.*

In Council, Tuesday, A. M., Oct. 28, 1788, read and agreed to.

JOHN E. CLAYTON, *Cl'k of the Council.*

*Ordered,* That the foregoing report, together with the aforesaid bill and amendments, be sent to the House of Assembly by Mr. Polk.

By special order,

The bill entitled "A supplement to an act entitled 'An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *feri facias*,'" was read the third time by paragraphs and passed the House.

*Ordered,* That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

---

EODEM DIE, P. M.

Council met.

The Speaker laid on the table the following resolution of the House of Assembly, delivered him by a member of that House, which was read, as follows:

## IN THE HOUSE OF ASSEMBLY,

TUESDAY, A. M., Oct. 28, 1788.

On motion,

*Resolved*, That this House intend to conclude the present session this evening by adjourning the same to a distant day.

JAS. BOOTH, *Cl'k of Assembly*.

Mr. Ridgely laid upon the table a petition of James Rumsey, of the State of Virginia, which was read.

Ordered to lie on the table.

Mr. James, a member of the House of Assembly, was admitted and returned the bill entitled "A supplement to an act entitled 'An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *feri facias*,'" concurred in by that House.

Ordered that the same be engrossed.

Mr. Raymond, a member of the House of Assembly, was admitted and returned the bill entitled "An act directing the time, places and manner of holding an election for a Representative of this State in the Congress of the United States, and for appointing Electors, on the part of this State, for choosing a President and Vice-President of the United States," with the amendments proposed thereto by Council acceded to by that House, to be signed by the Speaker of the Council; which said bill was compared and signed accordingly.

*Ordered*, That Mr. Polk wait on the House of Assembly and return the said bill, and also deliver the other engrossed bill, to be signed by the Speaker thereof.

Mr. Truitt, a member of the House of Assembly, was admitted and presented to the Chair the following resolution, viz:

## IN THE HOUSE OF ASSEMBLY,

TUESDAY, P. M., Oct. 24, 1788.

On motion,

*Resolved*, That the President and Commander-in-Chief affix the Great Seal to the following laws:

1. "An act directing the time, places and manner of holding an election for Representative of this State in the Congress of the United States, and for appointing Electors, on the part of this State, for choosing a President and Vice-President of the United States;"

2. "A supplement to an act entitled 'An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *feri facias*.'"

JAS. BOOTH, *Cl'k of Assembly*.

Sent for concurrence.

In Council, *eodem die*, read and concurred in.

Then the Council allowed the following accounts:

To the Hon. George Mitchell, Esq., Speaker, for 10 days' attendance in Council and mileage, . . .	£	11	12	0
To Gunning Bedford, Jun., Esq., for 7 do. do., . .		6	14	0
To Thomas Kean, Esq., 5 do. do., . . . . .		5	5	0
To Nicholas Vandyke, Esq., 8 do. do., . . . . .		6	10	0
To John Baning, Esq., 7 do., . . . . .		4	4	0
To John Cook, Esq., 7 do. do., . . . . .		4	15	0
To Nicholas Ridgely, Esq., 7 do., . . . . .		4	4	0
To Daniel Polk, Esq., 7 do. do., . . . . .		6	4	0
To John E. Clayton, for 9 days and paper, . . . .		6	4	2
To Benj. Crooks, Doorkeeper, 6 days' attendance, .		2	5	0
To Mrs. Battell, for the use of a room, . . . . .		2	12	6
		<hr/>		
		£60 9 8		
		<hr/>		

*Resolved*, That orders be drawn on the State Treasurer for the above sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

The Doorkeeper delivered to the Speaker a notice of adjournment of the House of Assembly to the 12th of January next, and Council adjourned to the same time.

# MINUTES OF COUNCIL.

1789.

## MEMBERS' NAMES.

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### FOR NEW CASTLE COUNTY:

NICHOLAS VANDYKE, GUNNING BEDFORD, THOMAS KEAN.

### FOR KENT COUNTY:

JOHN BANING, JOHN COOK, NICHOLAS RIDGELY.

### FOR SUSSEX COUNTY:

ISAAC HORSEY, DANIEL POLK, GEORGE MITCHELL.



# VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

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ADJOURNED SESSION, JANUARY, 1789.

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DOVER, January 12, 1789.

Divers of the members met, but the number not being a quorum, adjourned from day to day until Saturday, the 17th of January following.

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SATURDAY, A. M., January 17, 1789.

Council met. Present, Mr. Vandyke, Mr. Baning, Mr. Cook, Mr. Ridgely, and Mr. Horsey.

On motion,

*Resolved*, That during the present sessions the door of Council shall be open for the admission of all orderly persons without the bar of Council.

Mr. Ridgely laid before the Council a memorial of Dr. James Sykes, praying leave to bring in a bill to enable him to bring into this State certain negroes, which, by the testament and last will of Robert Goldsborough, Esq., of the State of Maryland, were bequeathed him; which was read and referred to Mr. Ridgely, Mr. Cook, and Mr. Baning, to report thereon.

The petitions from James Rumsey and sundry other papers relating to the same were read.

*Ordered*, That the same be referred to the Committee on the subject of the dyke, and Mr. Horsey, to report thereon.

Mr. Coombs, a member of the Council, read a letter from the Secretary of Congress, of the 17th of the same month, and a resolution of the President of this State, and a resolution of the President of the United States, of the 16th of the same month, upon the subject of the importation of convicts into this State; which were severally read.

*Ordered* to lie on the table.

Mr. Latimer, a member of the Council, read a letter from the Secretary of Congress, of the 6th June, 1788, which was read.

*Gentlemen of the General Assembly*

I have directed the Secretary of the Council to send you, for your information, a circular letter from the Secretary of Congress, of the 17th of May last, and a letter from the Secretary of Congress, of the 12th of the same month. These papers I would wish to have perused by your honors, as I put them before you for the general information of the citizens.

As I am persuaded that the just claims of the public servants of the public, I beg leave to say that no provision is made for various services performed by the Secretary of the Council, which considerable expenses must be paid to him.

There are also many contingent expenses of the administration of Government, such as the postage of public letters, &c., which I would wish to prevent the inconvenience which

I am therefore under the necessity of

honors the justice and propriety of making such provision in these respects as you may deem consistent with your wisdom, and most honorable and beneficial to the State.

June 6, 1788.

THOS. COLLINS.

The same member also delivered the following message from the President, together with the several letters and their enclosures therein referred to, which were severally read:

*Gentlemen of the General Assembly :*

During your late recess, the following public letters have been received by me, which I have directed the Secretary to communicate to you, with their inclosures, to wit: from the Convention of the State of New York, of the 26th of July last ; from the President of the Convention of Virginia, of the 28th of June, and from the General Assembly of the said State, of the 20th of November; from the President of the Convention of North Carolina, of the 12th and 24th of August; and from the President of the Convention of South Carolina, of the 24th of May last.

The Secretary will also lay before your honors a printed copy of the journals of Congress, from the 20th of August last to the end of the federal year.

As it does not appear from the journals of the General Assembly that any provision has been made for the contingent expenses of government, recommended in my message of the sixth day of June last, I must earnestly entreat the attention of your honors to that business. And upon this subject, I cannot forbear to observe that the multiplicity of post-offices, erected upon the state road to Wilmington, and the extravagant rates demanded for the portage of letters, appear burthensome to the community. Under what authority those offices are instituted, or these rates demanded, I am unable to ascertain, nor will my present indisposition permit me to take steps for that purpose ; but I conceive their existence to be an evil that requires legislative inquiry ; and upon this business perhaps your honors can obtain information from the Post-Master of this State, who is a member of the General Assembly.

THOMAS COLLINS.

Belmont, January 14, 1789.

Adjourned to 3 o'clock.

Council met.

The committee appointed on to consider the bill for appointing C. Dover, brought in their report, which

The committee to whom was referred for appointing John Banning, Esq. Ridgely, Esquires, Commissioners for other purposes," beg leave to report a clause in that bill for selling lots and but all of the other clauses should also think there should be a clause ascertaining the streets that have been done from the best documents to be regulation is a growing evil, and fewer disputes there will be.

Read and agreed to.

On motion of Mr. Ridgely, for altering the manner of levying execution of the Peace in certain cases, and Constables, the same was granted; Council a bill for that purpose, which

Ordered to lie on the table.

The bill entitled "An act to prevent into this State," was read the second consideration.

Adjourned to Monday morning,

MONDAY, A. M., January 19, 1789.

The Council met. Present the same members as on Saturday.

The bill entitled "An act for altering the mode of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables," was read the second time and deferred for further consideration.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met. Mr. Polk appeared and took his seat.

The committee appointed to consider the memorial of Doctor James Sykes, of the 17th, now brought in their report, which was read and agreed to, as follows:

That your committee have taken into their consideration the law of this State entitled "An act to prevent the exportation of slaves, and for other purposes," and being satisfied that the facts alleged in the said memorial are true, do now report, that, in their opinion, a supplementary act to the above recited law should be enacted, extending liberty to devisees to bring into this State slaves devised to them, and also to those persons within this State who may become entitled to such property as heirs or representatives to any person or persons dying intestate.

By special order,

The bill entitled "An act for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables," was read the third time by paragraphs, and, being amended, passed the House..

*Ordered*, That the same be transcribed and sent to the House of Assembly for concurrence.

The bill before the Council in the session of June last, entitled "An act to provide for the appropriation of such certificates of depreciation as have not been claimed by the persons justly entitled to receive the same," was read.

*Ordered*, That Mr. Vandyke, Mr. Ridgely, and Mr. Cook take the said bill into consideration and report thereon.

The committee to whom was referred the petitions of James Rumsey, brought in their report, which was read and agreed to, as follows:

Your committee beg leave to report that they have examined the act of Assembly for granting and securing to John Fitch the sole and exclusive right of making, constructing, and employing the steamboat by him lately invented, for a limited time, and find by that act the said Fitch hath had granted to him the sole and exclusive right of making, constructing, using, employing, and navigating all and every species or kind of boat or water craft which may be impelled, urged or driven through the water by the application, force, or agency of steam or fire, applied *in any manner whatsoever*. That during the operation of that act they do not think it right that Mr. Fitch should be deprived of the benefits of it without a hearing. Your committee propose that a joint committee of the General Assembly should be appointed for the purpose of hearing the parties on this subject on the 27th instant, the said Fitch having four days previous notice. As to the other parts of Mr. Rumsey's petition, to have an exclusive right in the application of steam to other machines than that of boats, as particularly specified, they are of opinion he should have leave to bring in a bill for that purpose.

Mr. Charles Polk, a member of the House of Assembly, was admitted, and presented to the Chair the bill entitled "An act to incorporate the physicians of the Delaware State, and for other purposes therein mentioned," and a paper containing two amendments proposed to the amendments offered by Council the 29th of May last to the said bill, which were read, and a further amendment being proposed to the said two amendments and agreed to,

*Ordered*, That the same be returned to the House of Assembly for concurrence.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., January 20, 1789.

Council met.

On motion,

*Resolved*, That two members be appointed, on the part of Council, as a joint committee to hear Mr. Rumsey and Mr. Fitch on the subject of the steamboat, on the 27th inst.

The members appointed on the part of Council, are Mr. Vandyke and Mr. Cook.

*Ordered*, That the same be transcribed and sent, with the report of the committee, by Mr. Ridgely, to the House of Assembly for concurrence.

Agreeable to leave given, a bill was presented and read, entitled "An act for creating original jurisdiction in the Supreme Court of this State in certain cases, to prevent the removal of suits from the County Court of Common Pleas after issue is joined therein, and to prevent the abatement of suits."

Ordered to lie on the table.

Agreeable to leave given upon the memorial of Doctor James Sykes, a bill was laid before Council and read, entitled "A supplement to an act entitled 'An act to prevent the exportation of slaves, and for other purposes.'"

By special order, the said bill was read the second time, and a third time by paragraphs, and passed the House.

*Ordered*, That the said bill be transcribed and sent, together with the memorial upon which it is founded, to the House of Assembly for consideration and concurrence.

The communication from the Auditor, of the 4th of June, 1788, was read, and an amendment agreed to.

*Ordered*, That the said amendment be transcribed and sent to the House of Assembly for concurrence.

Mr. Vining, a member of the House of Assembly, was admitted and returned the resolution of the Council upon the petitions

of James Rumsey, disagreed to, the several papers which accompanied the same, and delivered to the Speaker the following resolution, which was read:

Resolution proposed by the House of Assembly upon the petitions of James Rumsey, instead of the resolution offered by the Council:

*Resolved*, That Thursday, the 29th day of this month, be assigned for hearing James Rumsey and John Fitch, before the General Assembly, at Dover, on the subject of the steamboat; that both Houses meet for that purpose at the time aforesaid, in the Council Chamber; and that James Rumsey, or his agent, give to the said John Fitch four days previous notice of this resolution.

Whereupon

*Resolved*, That Council concur in the said resolution.

*Ordered*, That the same be returned to the House of Assembly.

Adjourned to 3 o'clock.

---

EODEM DIE, P. M.

Council met.

The bill entitled "An act to prevent the importation of convicts into this State," was read the third time, by paragraphs, and several amendments agreed to.

*Ordered*, That the same be transcribed and sent to the House of Assembly for consideration.

Mr. James, a member of the House of Assembly, was admitted and returned the communication from the Auditor, as amended by Council, agreed to.

*Ordered*, That the Clerk deliver to the State Treasurer a copy of the aforesaid communication.

Adjourned to 10 o'clock to-morrow morning.



WEDNESDAY, January 21, 1789.

Council met.

Mr. Bishop, a member of the House of Assembly, was admitted and presented to the Chair the Auditor's Report of this day, which was read, stating that there is due to Capt. Robert Kirkwood the sum of fifty-eight pounds fifteen shillings and two pence, thus acted upon:

In the House of Assembly, A. M., January 21, 1789, read, considered, and agreed to.

JAS. BOOTH, *Cl'k of Assembly.*

Mr. Cooper, a member of the House of Assembly, was admitted and returned the bill entitled "An act to prevent the importation of convicts into this State," together with the amendments proposed thereto by Council, all of which, except the fourth and fifth, were rejected.

The Council then took into consideration the 1st, 2d, 3d and 6th amendments, and upon the question to recede from the first amendment, it was carried in the affirmative.

Council then proceeded to consider the second, third and sixth amendments, and upon the question to adhere to the same, it unanimously passed in the affirmative.

*Ordered,* That the aforesaid paper of amendments be sent to the House of Assembly for reconsideration.

On motion of Mr. Ridgely for leave to bring in a bill to prevent the payment of money into the Treasury of the United States for a limited time, the same was granted; whereupon he laid before the House a bill for that purpose; which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

Council met.

On motion, ordered, that Mr. V. Cook be a committee to prepare the fees of the different officers of

Mr. Truitt, a member of the House, and returned the bill entitled "An act of convicts into this State," and the bill accompanied with the following resolution

IN THE HOUSE

WE

Mr. Ridgely, a member of the House, turned the bill entitled "An act of convicts into this State," with the 2d, 3d and 6th of which the Council

*Resolved*, That a committee be appointed to confer on the subject of the said bill and report thereon.

The members appointed on the subject were Mr. Vining, Mr. Porter, and Mr. James

Sent for concurrence.

JAS.

Read, considered, and disagreed.

The Auditor's Report, of this day, by Robert Kirkwood, was read, and

*Ordered*, That the same be returned to the House of Assembly.

Mr. Wright, a member of the House, introduced and delivered a bill entitled "An act of James Hathaway with Mary, his wife, and sundry other papers upon which were read.

The said bill was read the second time, and the third time, by paragraphs, and an amendment proposed and agreed to.

*Ordered*, That the same, together with the resolution for appointing a committee of conference, be returned to the House of Assembly.

Adjourned to 10 o'clock to-morrow morning.

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THURSDAY, A. M., January 22, 1789.

Council met.

The Clerk of the Council laid before the Speaker the Anditor's report upon the accounts of Capt. Robert Kirkwood, and the amendment of Council acceded to.

Mr. Cook laid before the Council a petition from Gersham Johnson, with sundry other papers; which were read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met. Mr. Bedford and Mr. Kean appeared in Council and took their seats.

Mr. Broom, a member of the House of Assembly, was admitted and delivered a bill, which was read, entitled "An act to grant to Joseph Anderson and Matthias Kerlin, Jr., an exclusive right to keep stage carriages on the public post-road leading through the State of Delaware between the City of Philadelphia and the Town of Baltimore," and the petition upon which the said bill is founded.

Ordered to lie on the table.

The same member also delivered a message from the House of Assembly, which was read, and is as follows:

**A MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.**

*Gentlemen :*

The message received from your honorable house, in answer to a resolution of this house, proposing a committee of conference relative to a depending bill, has highly astonished and alarmed us.

The circumstance of rejecting a proposal from either house, to confer with a committee to be appointed by the other, for the purpose of mutual communication and information, we conceive to be equally unprecedented in form, and dangerous in its political tendency. We do not mean to engage in a mere altercation about form ; we are only sorry, in the present instance, that we are obliged to complain of an infringement of a legislative and parliamentary custom.

When two branches of legislature are so constructed as to make a concurrence constitutionally requisite, in order to effect public business, and are so organized as to operate as reciprocal checks upon each other, frequent communications are often essential. Such communications, we apprehend, are regularly to be accomplished by committees of conference, appointed by the respective houses. The reason and expediency of appointments of this nature are too cogent and obvious now to be enlarged upon.

The message received from your honorable house has left us, with respect to the bill at present in controversy, without alternative. We cannot, as we conceive, consistent with the sacred duty which we owe to our constituents and to ourselves, concur in the amendments offered to us, without further information from your honorable house. This information, at least in the usual way, you have denied us.

Admitting that the Council have an absolute and constitutional right of rejecting any proposals which may be made by this house, we cannot help expressing our regret and surprise, that the exercise of the power was not reserved for an occasion more

weighty and important than the one which now engages our attention ; and we are equally sorry, that the urgent business of the State should be obstructed by delays, which we conceive might have been avoided, but have now become indispensable.

The preservation of that dignity which each house owes to itself, and relatively to each other, we take to be the surest means of preserving the harmony so necessary in all deliberative assemblies, and so essential to the discharge of our respective duties.

Should your honorable house concur with us in the ideas which we have now addressed to you, and agree to reconsider your message of yesterday, we shall rejoice in the prospect of a system of confidence, and an honorable discharge of the duties intrusted to us ; but should you, on the other hand, persevere in a line of conduct so different from the one heretofore pursued, we have only to lament, that one of the most useful purposes for which two branches of the legislature were created, "That of uniting their wisdom and councils for the general benefit of the State," must necessarily be destroyed.

Signed by order of the House of Assembly,

Dover, 22d January, 1789.                      JEHU DAVIS, *Speaker*.

The memorial of Joseph Anderson and Matthias Kerlin was presented and read.

Ordered to lie on the table.

The bill entitled "An act to grant Joseph Anderson and Matthias Kerlin, Jr., an exclusive right to keep stage carriages on the public post-road, &c.," was read a second time and unanimously rejected.

*Ordered*, That the said bill, and the several papers which accompanied the same, be returned to the House of Assembly.

The bill entitled "An act to prevent the payment of any money into the Treasury of the United States for a limited time," was read a second time and deferred for further consideration.

The bill entitled "An act for creating original jurisdiction in the Supreme Court, &c.," was read a second time and deferred for further consideration.

On motion,

*Ordered*, That Mr. Bedford be added to the committee appointed to prepare and bring in a bill for regulating fees.

*Ordered*, That the following message be transcribed and sent to the House of Assembly:

AN ANSWER FROM THE COUNCIL TO A MESSAGE FROM THE  
HOUSE OF ASSEMBLY.

*Gentlemen :*

The Council have taken into consideration the message this afternoon received from your honorable House, and are truly surprised that the exercise of a right so clearly established should become a matter of astonishment and alarm. Where rights are defined and well ascertained, we conceive a precedent unnecessary to justify us in our conduct, should that be wanting; but we are not without even that authority.

Had your honorable House given a single reason for your rejection of the amendments proposed by Council, we should perhaps have thought a conference more eligible than we did. Extraordinary modes of legislation should not be adopted but on extraordinary occasions. The object of the bill, even in the most perfect state it could have been formed, was certainly not worth the time that had fruitlessly been spent on it previous to your proposal for a conference, much less to waste more without a certainty of agreement.

Council are not so very tenacious of former opinions as obstinately to adhere to them could they be satisfied they were wrong; but until this is done they think they should be wanting in duty to their constituents to recede from them and to permit established privileges of Council to be infringed.

We lament exceedingly that your honorable House should suffer the harmony of the Legislature to be interrupted on so trifling an occasion, and we sincerely hope that the most useful purposes for which two branches of the Legislature were created may not be destroyed.

Signed by order of the Council,

GEORGE MITCHELL, *Speaker*.

Dover, January 22d, 1789.

*Ordered*, That the Auditor's report upon the accounts of Capt. Kirkwood be returned to the House of Assembly by Mr. Kean.

Adjourned to 10 o'clock to-morrow morning.

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FRIDAY, A. M., January 23, 1789.

Council met. Present all the members.

The Council took into consideration the act entitled "An act for creating original jurisdiction in the Supreme Court of this State in certain cases, and to prevent the removal of suits from the Court of Common Pleas after issue is joined therein, and to prevent the abatement of suits," and some time being spent therein, the same was deferred for further consideration.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met.

The committee to whom was referred the bill to provide for such certificates as have not been claimed by persons justly entitled to the same, beg leave to report: That they have considered the same and are of opinion it should not be passed, because it will draw into dispute the right of depreciation certificates, which we think hath already been regulated by former laws, except so far as the same relates to cases where this State hath not received credit for the same by the United States.

Read and ordered to lie on the table.

Mr. Vining, a member of the House of Assembly, was admitted and delivered to the Speaker a message, which was read, and is as follows:

**A MESSAGE FROM THE HOUSE OF ASSEMBLY IN ANSWER TO A  
MESSAGE FROM THE COUNCIL.**

*Gentlemen :*

The House of Assembly have received the message from your honorable house, and still adhere to the idea that their rejection of the proposed committee of conference, as made by this house, was of the first impression. We conceive that Council have not taken the proper discrimination between a constitutional right, which we admitted, and the breach of a parliamentary custom of which we complained.

The House of Assembly remain yet to be convinced, that a precedent, similar in its nature, has ever existed, or has ever been exercised by either the House of Assembly or the Council, previous to the present instance. Upon this occasion the House of Assembly beg leave to recommend to the attention of the honorable Council the several messages which passed between the Houses in the May session of 1786, where they will find the points at present in controversy fully ascertained and explained.

As to the supposed insignificance of the bill now in question, it only furnishes us with an instance, that even on trifling occasions, encroachments may be made by one House on the accustomed privileges of the other ; and besides, it is a respect in our judgments due to any bill originating in either House, that it should not, unless rejected in the usual way, be entirely lost ; the adoption of the rights now claimed establishes this dangerous precedent.

If your honorable House will only consider the progressive state of this business, they will find that not only custom, but parliamentary propriety, suggests abundant argument why the reasons of adhering to their several amendments should have been communicated to this House, either by way of message or by means of a committee of conference ; otherwise any bill, even of the utmost importance, might be eventually lost, without such satisfactory information as might respectively induce the different Houses to recede from error or to have passed a salutary law.

Under the firmest persuasion therefore, that the reasons of rejection should have preceded the disagreement of Council to the conference, we trust that, let the sentiments of Council be ever so well established as to their right, they will be cautious of



drawing into precedent a principal which in its effects may defeat the wisest purposes of legislation.

Signed by order of the House of Assembly,

Dover, January 22d, 1789.      JEHU DAVIS, *Speaker*.

Mr. Bedford laid before the Council a petition of John Fitch, of Philadelphia, which was read, praying that the application of James Rumsey may not be permitted to interfere with the exclusive right heretofore granted to him.

*Ordered*, That the same be sent to the House of Assembly.

The Joint Committee of Finance made their report, which was read and agreed to.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, P. M., January 24, 1789.

Council met.    Adjourned to 10 o'clock on Monday morning.

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MONDAY, A. M., Jan. 26th, 1789.

Council met.    Absent, Mr. Polk.

By special order, the bill entitled "An act to prevent the payment of any money into the Treasury of the United States," was read the third time by paragraphs and passed the House.

*Ordered*, That the same be transcribed and sent to the House of Assembly for concurrence.

Adjourned to 3 o'clock.

Council met.

The Committee appointed to prepare a bill for revising the fees of the different offices, before Council entitled "An act for regulating the fees," which was read.

Ordered to lie on the table.

Mr. Montgomery, a member of Council, was admitted and delivered to the Clerk a letter of the 20th October, 1788, upon a letter of the 10th to the Speaker of the House of Assembly from the said N. Mitchell, with a report of the same, which were read.

The same member also delivered a memorial, which was read:

IN THE HOUSE OF ASSEMBLY

The House of Assembly took into consideration the Auditor, dated the 20th of October, 1788, from Nathaniel Mitchell, Esq.; and also a memorial upon the memorial of the said N. Mitchell.

*Resolved*, That there was due to the said N. Mitchell attendance as Delegate from this House, from the 1st day of December, 1787, to the 12th of January, 1788, his traveling charges, £360, of which the sum of £300 was paid, and that there is due to him the sum of £60.

Sent for concurrence.

Read and agreed to.

Adjourned to 10 o'clock to-morrow.

TUESDAY, A. M., January 27, 1789.

Council met.

Mr. Holland, a member of the House of Assembly, was admitted and delivered the following message, which was read:

IN THE HOUSE OF ASSEMBLY, January 26, 1789.

On motion,

*Ordered*, That the Joint Committee of Finance make a complete adjustment of the Loan Office accounts of Kent County and report the same.

Sent for concurrence.

JAS. BOOTH, C. H. A.

Mr. Gordon, a member of the House of Assembly, was admitted and returned the bill entitled "An act to prevent the payment of any money into the Treasury of the United States," rejected.

On motion,

*Ordered*, That the resolution of the House of Assembly upon the report of their committee on the accounts of N. Mitchell, Esq., and the several papers accompanying the same, be returned.

*Ordered*, That Council concur in the order of the House of Assembly for the complete adjustment of the Loan Office accounts, and that the same be returned by Mr. Kean.

A remonstrance and petition from several of the clergymen of the Episcopal and Presbyterian churches was presented and read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

Council met.

A memorial and remonstrance State was read, which, with the noon, was referred to a committee. The members appointed are Mr. Horsey.

The bill entitled "An act for re" was read a second time.

By special order, the said bill paragraphs, and passed the House.

*Ordered*, That the same be tra of Assembly for concurrence.

Adjourned to 10 o'clock to-mor

## WEDNESDAY

Council met. Present all the m

Mr. Raymond, a member of th mitted and delivered to the Chair to an act entitled 'An act to pre and for other purposes,' " concur

Ordered that the same be engro

The same member also delivered cil, a bill entitled "An additional entitled 'An act to prevent the other purposes;'" and thirteen an entitled "An act for altering the n be issued by Justices, &c.;" and t

The Council proceeded to consider the aforesaid amendments, and, after some time spent therein, postponed the same to this afternoon.

The bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,' " was read.

By order, the said bill was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

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EODEM DIE, P. M.

Council met.

Agreeable to the order of this forenoon, the Council resumed the consideration of amendments proposed to the bill entitled "An act for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables," and the question being put to agree to the said bill, as amended, and the yeas and nays, required by Mr. Bedford, are as follows:

*Yeas*—Mr. Baning, Mr. Cook, Mr. Ridgely, Mr. Horsey, Mr. Polk.

*Nays*—Mr. Vandyke, Mr. Bedford, Mr. Kean.

So it passed in the affirmative.

Ordered that the said bill be engrossed.

The Council proceeded to the consideration of the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,' " and after some time spent therein, the last enacting clause was referred to Mr. Ridgely, Mr. Vandyke, and Mr. Polk, to report thereon.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY

Council met.

Mr. Bishop, a member of the House, presented and delivered the following paper from Dyre Kearney to the Speaker, in relation to his accounts, and the report of the committee on the following resolution, viz:

IN THE HOUSE OF REPRESENTATIVES

WEDNESDAY

The committee to whom was referred the petition of Dyre Kearney, Esq., and the Auditor's report upon the accounts of the said Dyre Kearney, and his report, which was read, and thereupon

*Resolved*, That there was due to Dyre Kearney for his attendance as a Delegate from the 18th day of January, 1788, to the 1st day of February, 1789, following, including his traveling expenses, the sum of £300, and that there is

Sent for concurrence.

The petition of Thomas Shipley, of New Hampshire, was read, praying relief from the better regulation of the roads in

Ordered to lie on the table.

The committee to whom was referred the petition of the additional supplementary act to an act for the exportation of slaves, and for the relief of the said committee, and their report, which was read and agreed to.

The Council then proceeded to consider the bill mentioned in the last report, and some amendments were made, and that the same be transcribed and sent to the Speaker.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Council and the House of Assembly met in the Council Chamber agreeable to the order of the day, for hearing James Rumsey and John Fitch on the subject of the steamboat.

A petition from James Rumsey, by his agent, Joseph Barnes, was read, praying that he may be heard by counsel on the business aforesaid in case Mr. Fitch should be indulged with that privilege.

*Resolved*, That the said parties be heard either by counsel or personally, at their election, but that they be restricted so that neither party may be permitted to speak more than twice upon the main subject, and not oftener upon a collateral point.

Whereupon the General Assembly, having heard James Rumsey by Joshua Fisher, his counsel, and Richard Wells, on the behalf of John Fitch, and also the said Joshua Fisher in reply, both Houses separated, and Council adjourned to ten o'clock tomorrow morning.

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FRIDAY, A. M., January 30, 1789.

Council met, and having taken into consideration the subject in dispute between Mr. Rumsey and Mr. Fitch proceeded as follows:

WHEREAS, by the Constitution of the United States, a power is reserved to the General Government to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right of their respective writing and discoveries; and as the Government of the United States is in full operation in this State by eleven States having acceded thereto, this State being one; therefore

*Resolved*, That the application of the said privilege of making and using the said machine, invented by him, be referred to the said committee for decision.

Sent for concurrence.

The petition from Thomas Shipley of Stedham, was referred to a committee. The members are Mr. Cook, Mr. Vandyke, and Mr. B. B. B.

Adjourned to 3 o'clock.

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Council met.

The committee to whom was referred the petition of Shipley, Caleb Seal, and Joseph Stedham, leading from Christiana Ferry to B. B. B. and thereupon

*Resolved*, That the petitioners have the purpose of vacating the said road for the purpose of their petition, at the next sessions of the Legislature, that the petitioners give public notice of the same in the Wilmington newspapers, at least six weeks, in order that any persons interested may then be heard.

Sent for concurrence.

Adjourned to 10 o'clock to-morrow.



SATURDAY, A. M., January 31, 1789.

Council met.

Mr. Holland, a member of the House of Assembly, was admitted and presented to the Chair the following resolution, which was read:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, A. M., January 31, 1789.

On motion,

*Resolved*, That it is the intention of this House to conclude the present sessions on Monday evening, by adjourning the same to a distant day.

Extract from the minutes.

JAS. BOOTH, C. H. A.

The same member also delivered the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,' " with two amendments, which were read and deferred for further consideration.

Mr. Mitchell, the Speaker of the Council, prayed leave to resign his seat in the Chair, which was granted.

The Council proceeded to the choice of a Speaker, and Mr. Vandyke was unanimously chosen and took his seat.

Council having taken into consideration the amendments proposed to the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, &c.,' " proposed divers amendments thereto.

*Ordered* to be sent to the House of Assembly for consideration.

*Ordered*, That the petition from Thomas Shipley, Caleb Seal, and Joseph Stedham, and the resolution of the Council thereon, be sent to the House of Assembly for concurrence.

Mr. Bishop, a member of the House, introduced and delivered the bill entitled "An act to amend the law relating to the establishment of fees," with two amendments taken into consideration, and two further proposed, ordered that the same be returned to the House.

Adjourned to 3 o'clock.

Council met.

Mr. Truitt, a member of the House, introduced and returned the petition of Thomas and Joseph Stedham, with the request that the same be acted upon:

"In the House of Assembly, January 1st, 1880, read and concurred in."

Mr. Charles Polk, a member of the House, introduced and returned the bill entitled "An act to amend the law relating to the establishment of fees," and the paper thereon.

Ordered to be engrossed.

The Council having taken into consideration the bill introduced in the House of Assembly upon the petition of Dyre Kearney, for the payment of the accounts of Dyre Kearney,

*Resolved*, That the same be concurred in.

*Ordered*, That the said resolution be returned to the House of Assembly, with the same, be returned to the House of Assembly.

The committee appointed to consider the Loan Office accounts of Kent County, introduced and delivered the same, which was read and agreed to, as follows:

*Simon W. Wilson, Loan Officer of Kent County, in account with the Delaware State.*

## DR.

To monies received on the emission of 1746, . . .	£	286	13	8
" " " " 1759, . . .		527	10	7 $\frac{3}{4}$
" " " " 1776, . . .		696	0	3
" " " " 1785, . . .		77	13	5
		<hr/>		
	£	1587	17	11 $\frac{3}{4}$

## CR.

By monies actually let out, . . . . .	£	393	6	11 $\frac{1}{2}$
By 3 years and 9 months salary, @ £30 per an.,		112	10	0
By cash paid E. McComb, for the redemption of				
Bills of Credit, . . . . .		50	6	2
By balance due the Delaware State, . . . . .		1031	14	10 $\frac{1}{4}$
		<hr/>		
	£	1587	17	11 $\frac{3}{4}$

The Committee of Finance, to whom was referred the accounts of S. W. Wilson, Trustee of the Loan Office of Kent County, for a final settlement with that officer, beg leave to report: That they have examined the said officer in order to make him a party in the business, and, after allowing him all his charges against the State, find a balance of £1031 : 14 : 10 $\frac{1}{4}$  in his hands unaccounted for.

JOHN COOK,  
NICHOLAS RIDGELY,  
*Members of Council.*

THOMAS MONTGOMERY,  
JACOB BROOM,  
JOHN VINING,  
JOHN GORDON,  
RHOADS SHANKLAND,

Dover, Jan. 28, 1789. *Members of Assembly.*

Thus acted upon in the House of Assembly, January 28, 1789:  
Read, considered, and agreed to.

JAS. BOOTH, C. H. A.

Adjourned to 10 o'clock, Monday morning.

Council met.

Mr. Polk, a member of the House, and delivered to the Chair a bill for the appointment of a Trustee for the Kent, within this State, and for other

Ordered to lie on the table.

Mr. Holland, a member of the House of Commons, read a bill which was introduced and delivered to the Chair a bill for the service of the year 1812, and the arrears due on former taxes," w

Ordered to lie on the table.

The same member returned the report of Finance, and a communication from the report of the Committee, so far as a censure passed upon him, may be said

Ordered to lie on the table.

Mr. Truitt, a member of the House, and delivered to the Chair a report read and postponed to this afternoon.

The bill entitled "An act for the for the Loan-Office of the County of for other purposes," was read a s further consideration.

Adjourned to 3 o'clock.

Council met.

The Council took into consideration the following amendment being proposed by clause, to wit :

*"And be it enacted,* That it shall and may be lawful for the Trustees of the Loan Offices in the respective Counties of this State to permit such persons who have not renewed their mortgages agreeable to the said recited act to which this is a further additional supplementary act, as also the guardian or guardians of such minors who are or hereafter may be lawful to the equity of redemption in any land mortgaged in the respective Loan Offices of this State, who have not received the mortgages by and with the approbation of the Orphans' Court of the County in which such guardian or minor may reside, first had upon a full statement to the said Court on or before the first day of April next, on the payment of costs upon such suits as have been instituted and not brought to light for the recovery of monies due on mortgage deeds, in the same manner and upon the same terms as are expressed and directed in other cases in the said recited act to which this is a supplement, and that any mortgage deed made and executed by such guardian or guardians, as aforesaid, shall be deemed and taken to be a renewal of the former mortgage, and be as binding upon the estate of such minors to all intents and purposes as the former mortgage might or could have been; and that all mortgages so renewed shall be deemed the first lien and have the priority of all judgments, mortgages, and other incumbrances whatsoever obtained or had since the date of such original mortgages so hereafter to be renewed."

The question on the same being moved, the yeas and nays were required by Mr. Mitchell, and are as follows:

*Yeas*—Mr. Bedford, Mr. Kean, Mr. Baning, Mr. Cook, Mr. Ridgely.

*Nays*—Mr. Mitchell, Mr. Horsey, Mr. Polk.

So it passed in the affirmative.

Mr. Broom, a member of the House of Assembly, was admitted and delivered to the chair the following resolution, which was read, viz:

IN THE HOUSE OF ASSEMBLY,

MONDAY, P. M., February 2d, 1789.

On motion,

*Resolved,* That the Auditor of Accounts be and is hereby authorized and empowered to call upon and apply to Donaldson

Yeates, Esq., formerly Deputy Q State, for all such vouchers, papers, the power of the said Donaldson Y enable this State to obtain a credit United States.

Sent for concurrence.

JAS

The same member also delivered which was read.

IN THE HOUSE OF ASSEMBLY

On motion,

*Resolved*, That, at the conclusion House adjourn to the Borough of their next session for transaction of

Sent for concurrence.

JAS. B

The bill entitled "An act for the for the Loan-Office of the County of for other purposes," was read, and proposed and agreed to, ordered to House of Assembly, for their consideration.

The Council took into consideration this day, and the same being read, proposed and agreed to, ordered that the of Assembly for consideration.

The bill entitled "An act for the 1789," was read the second time and ratification.

The resolution of the House of empowering the Auditor to call upon Yeates, Esq., was read and agreed to

*Ordered*, That the same be returned

Adjourned to 10 o'clock to-morrow

TUESDAY, A. M., Feb. 3d, 1789.

Council met, and took into consideration the report of the Committee on Finance so far as the same relates to the Auditor, and, on motion to strike out that part which censures his conduct, the same was disagreed to.

The Council took into consideration the bill entitled "An act for raising £12,600 for the service of the year 1789, in addition to arrearages on former taxes," and after progress made therein adjourned to 2 o'clock.

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EODEM DIE, P. M.

Council met and resumed the consideration of the last mentioned bill and several amendments proposed thereto.

*Ordered*, That the same be transcribed and sent to the House of Assembly for their consideration.

Mr. Charles Polk, a member of the House of Assembly, was admitted and delivered to the Chair the following resolution, which was read, viz:

*Resolved*, That the additional sum of twenty-four pounds be allowed to the sum granted (by the concurrent resolution of the House of Assembly and Council on the 26th of January, 1789) Nathaniel Mitchell, Esq., for his traveling expenses, not included in the allowance made by the said resolution.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

The following engrossed bills were compared, viz: A bill entitled "An act for regulating and establishing fees;" an act entitled "An act altering the manner and form of levying executions to be issued by Justices of the Peace in certain cases, and for lessen-

ing the number of Constables;" and ment to an act entitled 'An act to slaves, and for other purposes.' "

*Ordered*, That the several foregoing of Assembly to be signed by the Speaker.

Mr. Cannon, a member of the House, submitted and delivered a report from Thomas Montgomery for the sum of House.

In Council, read and concurred in.

Council took into consideration the respecting an adjournment to Wilmington being put, "Do the Council agree to in the negative.

*Ordered*, That Mr. Cook wait on the return the last mentioned resolution the aforesaid several engrossed bills, to

*Resolved*, That Mr. Ridgely and M of Council appointed on the Joint allowed for seven day's attendance on the sum of five pounds five shillings be allowed, for mileage, in going to business, the sum of two pounds two sh be also allowed, for mileage to Lewes the sum of two pounds and fourteen s

Mr. Montgomery, a member of Assembly delivered to the Council several engrossed the Speaker, which said bills were conc ingly.

The same member also delivered which was read, viz:

#### IN THE HOUSE OF ASSEMBLY

On motion,

*Resolved*, That the President and the Great Seal of this State to the fol



1. "An act entitled 'A supplement to an act to prevent the exportation of slaves;'"
2. "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes;'"
3. "A supplement to an act entitled 'An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former Government thereof, as are now outstanding, and for other purposes;'"
4. "An act to dissolve the marriage of James Hathaway with Mary, his wife;"
5. "An act to incorporate the Physicians of the Delaware State, and for other purposes therein mentioned;"
6. "An act for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables."

Concurred in.

Mr. Raymond was admitted and delivered the bill entitled "An act for raising £12,600," and the amendments proposed by Council rejected, and a paper of amendments proposed to the paper of amendments from the Council, which was read and deferred till to-morrow morning for further consideration.

Adjourned to 10 o'clock.

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WEDNESDAY, Feb. 4, 1789.

The Council met.

On motion of Mr. Mitchell for leave to bring in a bill for altering the place of holding the election in the County of Sussex, the same was granted; whereupon he laid before the Council a bill entitled "An act for altering the place of election \* \* \*

[So ends the record of the proceedings of the Council for the

The General Assembly met in 1790, and journeyed on the 24th of the same month, January, 1790, after passing two un-

The journal of the Council for 1789 was found among the State papers. The minutes for other years were collected. It is learned that the January session was in that month, when both houses adjourned. The amendments to the Constitution proposed by Congress in 1789 (except "An act to regulate marriages," which was of general interest that passed. General the Council.

The General Assembly met, in 1790, and adjourned on the 26th of January, 1791. George Read was re-elected. "An act directing the election of a delegate to the Congress of the United States."

The journal of the January session of the 28th day, is missing, except a few proceedings of a joint meeting of the

# MINUTES OF COUNCIL.

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1791.



# VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

---

ADJOURNED SESSION, JANUARY, 1791.\*

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SATURDAY, 22d January, 1791.

The Council and the House of Assembly met, in the Council Chamber, for the nomination of persons out of whom shall be chosen, by ballot, Justices of the Court of Common Pleas and Orphans' Court for the County of New Castle.

Mr. Johnson proposed Alexander Porter, Esquire, as fourth Justice.

Mr. Ridgely proposed Thomas McDonough, Esq., as second Justice.

Mr. James proposed Thomas Robinson as third Justice.

*Resolved*, That a committee of three be appointed to wait on and inform the President of the convention of the two Houses.

The committee are Mr. Duff, Mr. Grantham, Mr. Bedford.

*Resolved*, That the two Houses separate for fifteen minutes.

[A tally kept on the sheet containing the above minutes indicates that when the two houses reassembled a ballot was taken and Thomas McDonough received 25 votes as second Justice, Thomas Robinson 25 votes as third Justice, and Alexander Porter 24 votes as fourth Justice, and that each was duly elected.]

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\* See note on page 1188.

Council assembled. Present as

The Committee of the General  
instant, presented the following report

We, a committee of the General  
we have examined and counted  
the Treasurer of the State and paid  
they amount to 12,664 $\frac{1}{10}$  dollars,  
a schedule, specifying their number  
the Auditor, may be particularly  
same were burned in our presence.

NICH'S

THOMAS

*Member*

28th January, 1791.

On motion, the bill entitled "An  
'An act to prevent the exportation  
second time and rejected.

On motion, the bill entitled "An  
a part of the public road or highway  
Creek to Christiana Ferry," was re-  
posed thereto was agreed to, with  
posed by Council.

*Ordered*, That the said bill be  
sembly by the Secretary; which was

*Resolved*, That no more accounts  
on account of services rendered,  
nished, or any other matter or thing  
viduals against this State, and by  
States.

*Resolved*, That the Auditor be furnished, by the Secretary of Council, with the above resolution.

Sent for concurrence.

On motion, the resolution of the House of Assembly of the 25th instant, respecting the claim of William Killen, Esquire, executor of Col. John Haslet, deceased, was read and concurred in.

*Resolved*, That if upon the final settlement of the accounts of this State with the United States, Col. Haslet's estate shall not be charged with any interest on 1,374<sup>11</sup>/<sub>16</sub> dollars, the balance due on his account to the United States, this State will cause such interest as hath already been paid on that sum to be returned in final settlement certificates to the executor of Colonel Haslet.

Mr. Batson, a member of Assembly, was admitted and presented a bill entitled "An act for extending the time for the first payment of the tax for the service of the year 1790," passed by the House of Assembly, sent for concurrence. Which was, by order, read.

On motion, the bill entitled "An act for the supporting, maintaining, and keeping in good order the bridge over Mispillion Creek, and for other purposes therein mentioned," was read, and two amendments being proposed and agreed to, passed Council.

*Ordered*, That the Secretary return the said bill, with the amendments, to the House of Assembly, for their concurrence; which he accordingly did.

*Resolved*, That the State Treasurer be authorized to call upon the several officers within this State in whose hands Continental Bills of credit and final settlement certificates belonging to this State may have been lodged, and receive the same from them, and cause the same, together with those already in the Treasury, to be placed in the funds of the United States in the name of the Delaware State, and the said State Treasurer shall report his proceedings thereon to the General Assembly at their next sessions.

Sent for concurrence.

Mr. Cannon, a member of Assembly, was admitted and return-

ed the bill entitled "A supplement to the Act for the improvement of the Ferry Marsh," unanimously rejected.

On motion, the resolution of the 10th instant, for appointing commissioners to examine the accounts of the acts of Assembly, was read and a commissioner appointed on the part of the Council.

Mr. Batson, a member of Assembly, presented the following papers: An act of the Council, passed at the Court of Sessions, late of Sussex County, for the improvement of the River Nanticoke, at a place called the Ferry; which was, by order, read.

The same member also returned a report of the Council, dated the 20th January, 1791, thereto by the House of Assembly, and a report of the Auditor, dated 18th January, 1791, which was proposed thereto by the Council, and was agreed to unanimously; which, on motion, Council unanimously adopted the amendments.

*Ordered*, That the same, with the amendments, be delivered by the Secretary to the Council, for their concurrence; which was done accordingly.

Adjourned to 3 o'clock, P. M.

Council assembled.

On motion, *Ordered*, That the Council be and they are hereby authorized to have fifty copies of the minutes of the Council printed, from October, 1790, to the present date, inclusive.

Mr. Grantham, a member of the Council,



turned the bill entitled "An act to vacate and make void a part of the public road or highway leading from Brandywine Creek to Christiana Ferry," with an additional amendment proposed thereto, which was agreed to.

Council ordered said bill to be engrossed.

On motion, the report of the Auditor, dated 20th instant, was read, and an amendment being proposed to the amendment proposed by the House of Assembly, ordered that the same be returned to the House of Assembly by the Secretary; which was done accordingly.

On motion, the bill entitled, "An act for extending the time for the first payment of the tax for the service of the year 1790," was read a second time, by special order, by paragraphs, and passed.

*Ordered*, That the said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Snow, a member of Assembly, was admitted and returned the resolution authorizing the State Treasurer to fund the bills of credit and certificates, with an amendment proposed thereto, and also the resolution respecting accounts against this State, with an amendment proposed thereto; which amendments were, on motion, acceded to.

Adjourned till to-morrow morning, 8 o'clock. •

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SATURDAY, January 29th, 1791.

Council assembled. Present as yesterday.

Mr. Raymond, member of the House of Assembly, was admitted and returned the resolution of Council respecting the executor of Col. John Haslet, concurred in by the House of Assembly, and the bill entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Chas Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in

Murderkill Hundred, Kent County proposed thereto, which was, on motion,

Mr. Truitt, a member of the House, introduced and presented for concurrence to an act entitled "An act for erecting a bridge from the Town of Lewes Creek, from the Town of Lewes Creek, in the County of Sussex,"

The same member also presented a resolution dated January 20th, 1791, with the concurrence of the House of Assembly, adhering to the following resolution, viz:

IN THE HOUSE OF ASSEMBLY  
FRIDAY

*Resolved*, That it is the opinion of the House, that the Constitution of the Delaware State be revised, and altered, according to the recommendation of the Convention; that such revision shall be made by the House of Assembly; and that this resolution be a recommendation of the good people of the State.

*Ordered*, That a copy of the above resolution be sent to the Council for consideration and concurrence.

JAS.

- In Council, read and disagreed.

Mr. Hayes was admitted and delivered an address signed by the Speaker of the House.

On motion,

*Ordered*, That the Speaker proceed to deliver his address, and that the House pass this session.

On motion, The bill entitled "An act for erecting a bridge from the Town of Lewes to the County of Sussex," was read a second time.

By special order, the same was read a third time and passed.

*Ordered*, That the said bill be returned to the House of Assembly, which was done accordingly.

The Hon. Alexander Porter, Esq., delivered to Council his resignation of the office of Judge of the Court of Appeals for the Delaware State, which was, by order, read and accepted.

*Resolved*, That the State Treasurer be directed to purchase one hundred tickets in the lottery for finishing the Court House in the town of Dover, for the use of the State, which tickets shall be delivered to the Auditor before the drawing of said lottery, he giving a receipt for the same to the State Treasurer, specifying the number of each ticket, and the Auditor shall enter the same, with their several numbers, on the book of his office.

Sent for concurrence.

Council allowed the following accounts:

To the Honorable Alexander Porter, Esq., for 27 days' attendance and mileage, . . . . .	£ 26 4 0
To Gunning Bedford, Esq., for 21 days' attendance and mileage, . . . . .	15 2 0
To Thomas Kean, Esq., for 10 days' attendance and mileage, . . . . .	8 17 0
To John Baning, Esq., for 25 days' attendance, . .	15 0 0
To Nicholas Ridgely, Esq., for 25 days' attendance, .	15 0 0
To John Gordon, Esq., for 25 days' attendance, . .	15 0 0
To George Mitchell, Esq., for 6 days' attendance and mileage, . . . . .	6 6 0
To Isaac Cooper, Esq., for 27 days' attendance and mileage, . . . . .	18 14 0
To Rhoads Shankland, Esq., for 21 days' attendance and mileage, . . . . .	14 17 0
To Charles Nixon, for 25 days' attendance as Secretary, and engrossing, . . . . .	25 12 9
To Thomas Wilds, for 25 days' attendance as Sergeant-at-Arms and Doorkeeper, . . . . .	6 5 0
To Elizabeth Battell, for the use of the Council Chamber, . . . . .	15 0 0
	<hr/>
	£181 17 9

On motion,

*Resolved*, That orders be drawn above sums, and that the same be

Whereupon orders were drawn

Mr. Cannon, a member of Ass turned the resolution authorizing tickets in the lottery for the use of amendment proposed, viz:

“ Provided a sum not exceeding to be inserted after the word ‘State

Which amendment was read and

On motion, Council proceeded proposed to the Auditor’s Report having receded from their proposal the following amendment proposed ssembly, viz:

*Dele* the last line of the report and pounds.”

*Ordered*, That the Secretary read amendment acceded to, to the House accordingly.

Mr. Oliver, a member of Assembly, offered the following resolution:

On motion,

*Resolved*, That the President of the Great Seal of this State to the following

Council adjourned to 20th October

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\*According to the manuscript.

# VOTES AND PROCEEDINGS

## OF THE

### COUNCIL OF THE DELAWARE STATE.

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SPECIAL SESSION, SEPTEMBER, 1791.

---

MONDAY, 5th September, 1791.

Council met pursuant to the summons of the President of the State. A quorum not attending, adjourned to Tuesday, 6th, P. M.

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TUESDAY, 6th, P. M.

Council assembled. Present, Mr. Mitchell, Speaker, Mr. Kean, Mr. Ridgely, Mr. Gordon, Mr. Shankland, and Mr. Cooper.

The Secretary of State presented the following message from his Excellency, the President, viz:

*Gentlemen of the General Assembly:*

A majority of the House of Assembly of this State having, by several address, represented to me that a speedy meeting of the Legislature would be productive of beneficial effects to the good people of this State, and requested the Legislature to be convened on the fifth instant, I did, therefore, on the eighteenth day of August last, issue writs of summons for that purpose, and as I have no public business which requires your immediate attention, I have directed the Secretary to lay before you those addresses and such of the writs as have been returned to me.

The Secretary will also deliver y  
laws passed at the third session of  
the Senate during the second sessio  
representatives during the third session

Dover, Sept, 6, 1791.

On motion, the above message,  
and writs therein referred to, were r

Council adjourned to 10 o'clock

Council assembled. Present as y

A petition, signed by ten perso  
Sussex, praying that a convention  
general election, for the purpose o  
Constitution, or for framing a new c  
to the Chair, and, on motion, read.

Mr. Grantham, a member of A  
delivered to the Chair the following

IN THE HOUSE OF ASSEMBLY OF  
WEDNESDAY, A

1. *Resolved* unanimously, That,  
alterations and amendments of the  
necessary ; and that the same shou  
as may be best adapted to the end p

And whereas governments are i  
alienable rights of man, and the p  
enjoyment of life, liberty, and pr  
originates from the people, is found  
tended solely for the good of the  
pressly declared by our own Bill of  
ends of government are perverted,

endangered, the people may, and of right ought, to establish a new, or reform the old government," from which, as well as from the nature of society, and the principles of government, it appears that the people have, at all times, an inherent right to alter and amend the form of government, in such manner as may appear to them best adapted to the end proposed ; and whereas it has been found from experience, that the great and important ends of government are not effected by our present form of government, and that the general departments thereof are so blended together, and improperly arranged, as to prevent an impartial, beneficial, and energetic operation ; and whereas the burdens and expenses of government are with difficulty borne, and in some instances the present form is contradictory to the constitution of the United States, which every member of the Legislature and all Executive and Judicial officers must be bound by oath or affirmation to support ; and whereas, by the thirtieth article of the constitution of this State, the power of revising the same, and of altering and amending certain parts thereof, is vested in the General Assembly ; and it appears to this House, that the exercise of the power of altering and amending the constitution by the Legislature would not be productive of all the valuable purposes intended by a revision, nor be so satisfactory and agreeable to our constituents ; and that it would be more proper and expedient to recommend to the good people of this State to choose deputies for this special purpose, to meet in convention, it is therefore further

2. *Resolved*, That it be recommended to the good people of the several Counties of this State to choose a suitable number of deputies, to meet in convention, for the purpose of revising, altering and amending the Constitution of this State; or, if they see occasion, for forming a new one instead thereof.

3. *Resolved, also*, That it is the opinion of this House, that the said Convention consist of the number of thirty persons ; that is to say: ten for the County of New Castle, ten for the County of Kent, and ten for the County of Sussex ; and be chosen on the first day of October next, in the same manner, by the same persons, at the same places, and under the same regulations, as are directed and appointed by the Election Laws of this State ; save that the names of the persons to be elected deputies shall be written on pieces of paper separate from those containing the legislative representatives and officers then to be elected, and put

into separate boxes ; and that the convention so choosen ; and that they meet on Tuesday, the twenty-ninth of the Town of Dover.

4. *Resolved*, That it be and it be the succeeding House of Assembly pay the expenses incurred by the said election.

Extract from the minutes.

Sent for concurrence.

On motion, the above and five amendments, being proposed.

Mr. Batson, a member of the House of Assembly, presented a petition from the citizens of the State with a bill entitled "An act for the relief of the heirs of the late John D. Batson, deceased, in his issue to take and use the sum of \$10,000, the last will and testament of John D. Batson, deceased, by the House of Assembly, sent for concurrence." On motion, read.

Mr. Cannon, a member of the House of Assembly, presented the following resolution, viz:

#### IN THE HOUSE OF ASSEMBLY

*Resolved*, That the President of the State is required and empowered to declare martial law in any part of this State or officers of this State any certificate of the President have or may come to his or their residence on or before the first of this month; and if it shall appear to the President and expedient that the same, or any part thereof, be subscribed to the loan of the United States, therein as to him may seem most proper.

Extract from the minutes.

Sent for concurrence.

On motion the above resolution was agreed to.

Council adjourned to 10 o'clock.



THURSDAY, 8th September, 1791, A. M.

Council assembled. Present as yesterday.

The Secretary, by order, returned to the House of Assembly the resolution respecting the public securities, concurred in by Council, and also the resolutions for altering the Constitution, with the amendments proposed thereto by the Council.

On motion, by special order,

The bill entitled "An act for enabling Francis McMullan and his issue to take and use the surname of Gardner, pursuant to the last will and testament of James Gardner, deceased," was read a second time, by paragraphs, and passed Council.

*Ordered*, That the said bill be returned to the House of Assembly.

By order, the Speaker signed a writ directed to the Sheriff of New Castle County, authorizing and requiring him to hold an election for a member of the Legislative Council in the room and stead of Alexander Porter, Esquire, who hath accepted his appointment of fourth Justice in the Court of Common Pleas in said County; and a writ directed to the Sheriff of Kent County, authorizing and requiring him to hold an election for a member of the Legislative Council in the room of John Baning, Esquire, deceased.

*Ordered*, That the Secretary forward the said writs to the respective Sheriffs forthwith.

Council adjourned to 3 o'clock this afternoon.

---

EODEM DIE, P. M.

Council assembled.

Mr. Truitt, a member of Assembly, was admitted and returned the resolution for altering the Constitution, with three of the amendments proposed by Council acceded to, a fourth in part

acceded to, and the fifth disagreement proposed thereto by the House motion, read.

On motion,

*Resolved*, That Council do adhere to the above resolutions, and by the House of Assembly.

*Ordered*, That the same be returned by the Secretary; which was done.

Mr. Oliver, a member of Assembly, moved the resolutions for altering the amendment proposed thereto by the House to agree to the 5th amendment, proposed to their disagreement in part to the Council, and recede from one of the

The said resolution and amendment to the amendment proposed by the House agreed to by Council and their proposed

*Ordered*, That the same be returned by the Secretary; which was done.

Mr. Batson, a member of Assembly, presented the bill entitled "An act for the relief of his issue to take and use the property to the last will and testament of the deceased signed by the Speaker of the House of Assembly."

On motion, the said bill was signed and the resolution of the House of Assembly thereon Seal thereto agreed to.

*Resolved*, That Charles Nixon, Clerk of the House, procure, at the expense of the public, two armed chairs, and a writing desk for the accommodation of Council, and an order on the State Treasurer for the purchase of the same.

Council allowed the following account

To the Honorable George Mitchell, Esq., Speaker, for 6 days' attendance and mileage, . . . . .	£ 8 2 0
To Thomas Kean, Esq., for 6 days' attendance and mileage, . . . . .	6 7 0
To Nicholas Ridgely, Esq., for 4 days' attendance, .	2 8 0
To John Gordon, Esq., for 4 day's attendance, . . .	2 8 0
To Rhoads Shankland, Esq., for 5 days' attendance and mileage, . . . . .	5 5 0
To Isaac Cooper, Esq., for 5 days' attendance and mileage, . . . . .	5 10 0
To Charles Nixon, for 4 days' attendance as Clerk, .	2 10 0
To Thomas Wilds, for 4 days' attendance as Door- keeper, . . . . .	2 5 0
	<hr/>
	£34 15 0

On motion,

*Resolved*, That orders be drawn on the State Treasurer for the foregoing sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

Mr. Truitt, a member of Assembly, was admitted and presented an account of David Harper, for the sum of three pounds, for summoning the General Assembly, allowed by the House of Assembly; which was, on motion, read and agreed to.

On motion,

*Resolved*, That the Speakers of both Houses draw their order on the State Treasurer, in favor of David Harper, for the sum of three pounds.

Sent for concurrence.

Mr. Truitt, a member of Assembly, was admitted and returned the resolutions for altering the Constitution, with all the amendments proposed by Council acceded to by the House of Assembly; which resolutions are as follows:

IN THE GENERAL ASSEMBLY OF THE DELAWARE STATE,

THURSDAY, September 8th, 1791.

1. *Resolved unanimously*, That, in the opinion of this General Assembly, alterations and amendments of the Constitution of this

State are necessary, and that the manner as may be best adapted to

And whereas governments are alienable rights of man, and the enjoyment of life, liberty, and originates from the people, is founded solely for the good of the people; and whereas the ends of government are perverted, and the people may be endangered, the people may, and new, or reform the old government from the nature of society and the appears that the people have at all and amend the form of government appear to them best adapted to the has been found, from experience the ends of government are not effective government, and that the general department together and improperly arranged beneficial and energetic operation the expenses of government are with instances the present form is contrary the United States, which every man all Executive and Judicial officers information to support; and whereas, the Constitution of this State the power of altering and amending certain General Assembly; and it appears the exercise of the power of alteration by the Legislature would not be agreeable to our constituents; and expedient to recommend to the choose deputies for this special purpose it is therefore further

2. *Resolved*, That it be recommended to the several Counties in this State of deputies, to meet in convention for altering and amending the Constitution on the next see occasion, for forming a new or

3. *Resolved, also*, That it is the opinion of this General Assembly that the said Convention consist of the number of thirty persons; that is to say: ten for the County of New Castle, ten for the County of Kent, and ten for the County of Sussex; and be chosen on the first day of October next, in the same manner, by the same persons, at the same places, and under the same regulations, as are directed and appointed by the election laws of this State; save that any free white citizen of this State, of the age of twenty-one years and upwards, shall be eligible to a seat in the said Convention, and that the returns should be made to the Convention so chosen; and that the said Convention should meet on Tuesday, the twenty-ninth day of November next, at the Town of Dover.

4. *Resolved*, That the members and officers of the said Convention shall be entitled to receive the like wages as are now paid to the members and officers of the General Assembly; and that the presiding member of the said Convention draw his order on the Treasurer of the State for such wages in favor of the respective members and officers of said Convention.

5. *Resolved*, That the several Sheriffs of the State be furnished with a copy of these resolutions by the President, certified by the Clerk of each House; and that the said Sheriffs, or other officers who may hold the said elections, do give public notice, as soon as conveniently may be, by twenty advertisements at least, set up in the most public places in each county, of the said election of a Convention, and that the said Clerks furnish the President with said copies.

Council adjourned to the 20th day of October next.



# VOTES AND PROCEEDINGS

OF THE

## COUNCIL OF THE DELAWARE STATE.

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At a session commenced at Dover, on the twentieth day of October, in the year of our Lord one thousand seven hundred and ninety-one, divers of the members met, but the number not being a quorum, they adjourned to Monday, the twenty-fourth instant.

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MONDAY, October 24th, 1791, P. M.

The following members of Council appeared and took their seats, viz: Mr. Alexander, Mr. Tilton, Mr. Gordon, Mr. Raymond, Mr. Mitchell, and Mr. Shankland.

The return of the Sheriff and Inspectors of the County of New Castle of the election of a Councillor to fill the seat of Alexander Porter, Esquire, who hath been appointed fourth Justice of the Court of Common Pleas for said County, and of the election of a Councillor to fill the seat of Gunning Bedford, Esquire, which became vacant by rotation, being laid on the table and read, it appears that Nehemiah Tilton, Esquire, was duly elected in lieu of Alexander Porter, Esquire, and that Archibald Alexander, Esquire, was duly elected in lieu of Gunning Bedford, Esquire, members of the Council for the said County, according to the Constitution and Laws of the Delaware State.

The return of the Sheriff and Inspectors of the County of Kent of the election of a Councillor to fill the vacancy occasioned by the death of John Baning, Esquire, and of the election of a

Councillor to fill the seat of Nic became vacant by rotation, being appears that Fenwick Fisher, Esq. of John Baning, Esquire, deceased Esquire, was duly elected in lieu of members of the Council for the Constitution and Laws of the De

The return of the Sheriff and Sussex of the election of a Council Mitchell, Esquire, which became October instant, being laid on the George Mitchell, Esquire, was returned for the said County, according to the Delaware State.

Council proceeded to the choice of honorable George Mitchell, Esquire,

The Speaker, in the Chair, to the Constitution, and subscribed the required, and Archibald Alexander Raymond, Esquires, took the same declaration. [*See note on page*

The Speaker presented a letter Dickinson, Esquire, inclosing the

"I, John Dickinson, hereby resign in the Court of Appeals for the D

Which resignation was, on motion

On motion, by order,

The rules to be observed by the Council and agreed to in the year 1776, which were agreed to in 1786, were read and served during the present sitting

Council adjourned to 10 o'clock



TUESDAY, October 25th, 1791, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of the House of Assembly, was admitted and presented to the Chair the following report, viz:

The Commissioner appointed to state and support the claim of this State against the Union, begs leave to report: That after two preparatory journeys to Philadelphia, he entered on the business of his mission in the month of June last, and on the 24th day of, the same month exhibited a claim, amounting to 3,261,044 $\frac{1}{8}$  dollars, of old emissions, and 380,228.90 $\frac{1}{3}$  dollars, of specie, to the Board of Commissioners appointed by Congress; that the Board estimated the old emission payments to be equal to 100,000 dollars, and supposed that two-thirds of the sum might be allowed for interest, making the whole, on a rough calculation, to amount to 800,000 specie dollars.

The Commissioner made sundry other claims by way of a general saving, and informed the Board that he would hold himself in readiness to support the claims of the State by the best proofs in his power; that in doing this reference would be made, in some cases, to the laws and journals of the Legislature, and to the public books of the State. And he expressed his hopes that great indulgence would be shown the State in consequence of the loss of papers captured by the enemy.

The Commissioner has applied since to the Board, both by writing and in person, to know when he shall attend to finish the business, and was informed that those attending from distant States ought to be dispatched first, and that notice should be given him in case it was necessary for him to attend to substantiate any part of the claim of Delaware.

Dover, October 24th, 1791.

ELEAZER McCOMB.

Mr. McKennan also presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, Oct. 25th, 1791.

On motion,

*Resolved*, That it is the intention of this House to conclude the present session this evening by adjourning to a distant day,

and that a copy of this resolution be  
information.

\* Extract from the minutes.

JAS.

The foregoing report and resolution

Council adjourned to 3 o'clock

---

Council assembled.

Mr. Many, a member of Assembly,  
to the Chair a bill entitled "A sup  
act for raising the sum of one thou  
the use of the State, and for othe  
House of Assembly and sent for co

On motion, the said bill was read

Mr. Batson, a member of Ass  
sented to the Chair a bill entitled  
tled 'An act for removing the Se  
more central part of Sussex Coun  
passed by the House of Assembly

On motion, the said bill was read

Mr. Evans, a member of Asse  
sented to the Chair a bill entitle  
Bishop, of the County of Kent, to  
State," passed by the House of  
rence.

On motion, the said bill was read

On motion, the bill entitled "A  
"An act for raising the sum of one  
for the use of the State, and for o  
second time.

On motion, the bill entitled "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes,'" was read a second time.

On motion, the bill entitled "An act to enable Risdon Bishop, of the County of Kent, to bring certain slaves into this State," was read a second time.

On motion, the said bill was read a third time by paragraphs and passed Council.

*Ordered*, That said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Council adjourned to 9 o'clock to-morrow.

---

WEDNESDAY, October 26th, 1791, A. M.

Council assembled. Present as yesterday.

On motion, the bill entitled "A supplement to an act entitled 'An act for raising the sum of one thousand pounds, by a lottery, for the use of this State, and for other purposes,'" was read a third time, by paragraphs, and an amendment being proposed and agreed to, passed Council.

*Ordered*, That the said bill, with the amendments proposed, be returned, by the Secretary, to the House of Assembly for their concurrence; which was done accordingly.

On motion, the bill entitled "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes,'" was read a third time by paragraphs and passed Council.

*Ordered*, That the said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Batson, a member of Assembly, was admitted and returned the bill entitled "A supplement to an act entitled 'An act

for raising the sum of one thousand  
use of the State, and for other purposes  
proposed by Council disagreed to, and  
proposed by the House of Assembly;  
and the amendment proposed by  
amendment proposed by the House

*Ordered*, That the said bill be  
which was accordingly done.

Council adjourned to 3 o'clock.

---

EODEM DIE,

Council assembled.

On motion,

*Resolved*, That John Gordon, Esq.,  
the Council Chamber, in the Court of  
things as he may think necessary for the  
Council, and that he exhibit his account  
meeting, for his expenditures in the  
him.

*Ordered*, That the Clerk of Council  
Gordon, Esq., with a copy of this

Council made the following allowance

To the Honorable George Mitchell, Esq.,  
for 5 days' attendance and mileage, . . . . .  
To Archibald Alexander, Esq., for 5  
days' attendance and mileage, . . . . .  
To Nehemiah Tilton, Esq., for 5  
days' attendance and mileage, . . . . .  
To John Gordon, Esq., for 7 days'  
To James Raymond, Esq., for 5 days'

*Carried forward*, . . . .

<i>Brought over,</i> . . . . .	£ 26	1 0
To Rhoads Shankland, Esq., for 5 days' attendance and mileage, . . . . .	5	5 0
To Charles Nixon, for 7 days' attendance as Clerk and for paper, . . . . .	4	10 6
To Thomas Wild, for 7 days' attendance as Door- keeper and bell-ringer, . . . . .	3	19 3
To James Coleman, for making a writing desk for Council Chamber, . . . . .	11	5 0
To Christopher Horton, for 18 armed chairs, . . . .	10	2 6
	<hr/> £61 3 3 <hr/>	

On motion,

*Resolved*, That orders be drawn on the State Treasurer for the foregoing sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

Mr. Robinson, a member of the House of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, October 26, 1791.

On motion,

*Resolved*, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts, viz:

1. "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes;'"

2. "A supplement to an act entitled 'An act for raising the sum of one thousand pounds, by a lottery, for the use of this State, and for other purposes;'"

3. "An act to enable Risdon Bishop, of the County of Kent, to bring certain slaves into this State."

Sent for concurrence.

JAS. BOOTH,

Extract from the minutes.

*Cl'k of Assembly.*

On motion, the above resolution was read and concurred in.

Mr. Robinson also delivered  
by the Speaker of the House of  
with the originals, on motion, of  
the Speaker of Council; which

Council adjourned to the first

# MINUTES OF COUNCIL.

---

1792.

MEMBERS'

---

FOR NEW CAST

THOMAS KEAN,

ARCHIBALD AL

FOR KENT

FENWICK FISHER,

(Vacancy, by the death

FOR SUSSEX

GEORGE MITCHELL, *Speaker*,

ISAAC CO



# VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

---

ADJOURNED SESSION, JANUARY, 1792.

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At a meeting of the Council, at Dover, on the 3d day of January, 1792, the number of members sufficient to constitute a quorum not appearing, they adjourned from day to day until Wednesday, the eleventh day of January, instant.

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WEDNESDAY, 11th January, 1792.

Council assembled. Present, the Honorable George Mitchell, Esq., Speaker; Mr. Tilton, Mr. Alexander, Mr. Raymond, Mr. Shankland, and Mr. Cooper.

Adjourned to 10 o'clock to-morrow.

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THURSDAY, 12th January, 1792.

Council assembled. Present as yesterday.

On motion of Mr. Tilton, seconded by Mr. Raymond, that the bill entitled "A supplement to the execution law," which had lain on the files of Council since October, 1790, be now taken up

and referred to a committee of three to be determined in the affirmative.

The committee appointed are Mr. Alexander.

Adjourned to 3 o'clock this afternoon.

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#### THURSDAY

Council assembled.

The Speaker laid on the table a communication from the forming Council that his indisposition prevented his attending, which was, by order, read.

Adjourned to ten o'clock to-morrow.

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#### FRIDAY

Council assembled. Present as usual.

Adjourned to 3 o'clock.

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#### FRIDAY

Council assembled.

On motion,

*Ordered*, That Nehemiah Tilton be appointed, instead of Nicholas R. Tilton, for that purpose, whose term of office has since expired, to take effectual measures to secure the peace of Charles Nixon, to have fifty copies of the same printed.

of Council, together with the rules established by Council prefixed thereto, printed, from October, 1788, to the present session, inclusive.

The committee to whom was referred the bill entitled "A supplement to an act for taking lands in execution," presented the following report, viz:

"That the existing laws of this State and the practice and usage of the Courts are competent to all the purposes intended to be remedied by said act. We are therefore of opinion the said supplementary act ought to be rejected by Council."

On motion, the above report was read and agreed to.

On motion,

*Resolved*, That Mr. Tilton, Mr. Raymond, and Mr. Cooper be a committee to prepare and bring in a bill to revise the act entitled "An act supplementary to the act entitled 'An act for the more easy and speedy recovery of small debts,' passed the 5th February, 1785."

Mr. McKennan, a member of Assembly, was admitted and delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, January 12th, 1792, P. M.

On motion,

*Resolved*, That a Joint Committee of both Houses be appointed to confer on the business relating to the Auditor of Accounts of this State, in order to devise the best means to procure to the Legislature such information as may be considered expedient, and likewise to procure the books of the State Treasurer.

The members appointed on the part of this House are Mr. McKennan and Mr. Barker.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

*Cl'k of Assembly.*

On motion, the above resolution was read and concurred in.

The members appointed on the part of Council are Mr. Alexander and Mr. Shankland.

Adjourned to 10 o'clock to-morrow.

## SATURD

Council assembled. Present

Mr. Robinson, a member of  
presented to the Chair a bill entitled  
act entitled 'An act to enable t  
marsh meadow on the southw  
New Castle County, to keep the  
and sufficient order and repair  
sembly and sent for concurr  
and referred to Mr. Raymond  
thereon.

Mr. Raymond applied for lea  
which was granted.

Adjourned to 3 o'clock this a

## SATURD

Council assembled. Mr. Ray

Mr. Truitt, a member of As  
presented to the Chair a petition  
Harvey, Peter Jacquet, Sen., J  
Jun., praying the Legislature to  
act entitled "An act to enable t  
marsh meadow on the southwes  
Castle County, to keep the banl  
sufficient order and repair," tog  
thereto; which were, by order,  
tee this morning appointed on t

The committee appointed yes  
of the House of Assembly, pres  
order, read, and is as follows, vi

The Joint Committee of both Houses, appointed to confer on the best mode of obtaining a statement of the public accounts of the State, as well as to devise a plan for having the books of the late Treasurer lodged with the present Treasurer, beg leave to report, as their opinion, that for effecting the above purposes a letter, addressed from the Speakers of both Houses, be sent to the Auditor of this State, requiring his immediate attendance, or, if sickness or other causes should prevent his personal attendance, then, in that case, a statement of the public accounts should be made out and forwarded by him, without loss of time, or furnish the Houses with his books. And as your committee have understood that the books of the late Treasurer are at this time in Philadelphia, they therefore are of opinion that the Speakers of the two Houses should, by letter, call on the executors of the late Treasurer, desiring that the books of the late Treasurer should be immediately obtained and lodged by them with the present Treasurer of the State.

Signed by the Committee of Council,

ARCHB'D ALEXANDER,  
RHOADS SHANKLAND.

Signed by the Committee of the House of Assembly,

WM. McKENNAN,  
JOS. BARKER.

On motion, the foregoing report was agreed to.

Mr. Hollingsworth, a member of Assembly, was admitted and presented the following proposed amendment to the report of the joint committee, viz:

IN THE HOUSE OF ASSEMBLY, A. M., Jan. 13th, 1792.

*Resolved*, That the Auditor of this State be requested and directed to make his immediate attendance before this House and show cause why he has not complied with the resolution entered into by this House at their last October session, and that the Sergeant-at-Arms be requested to wait on him with the above resolution, and in case of sickness, to forward his books and papers for the inspection of the Legislature forthwith.

And that the executors of the late State Treasurer be requested to deliver up, within six days after being notified, to

the present State Treasurer, all office, whole, entire, and unde-  
lution be given to the said execu-

The House of Assembly pro-  
to the report of the joint com-  
after "their opinion." *Dele* a  
above.

Extract from the minutes.

On motion, the foregoing res-  
rejected.

*Ordered*, That Mr. Alexand-  
and return the said resolution a  
which he did accordingly.

Council adjourned to 10 o'clock

MON

Council assembled. Present

Adjourned to 10 o'clock to-m

Council assembled. Present

The Speaker laid upon the t  
House of Assembly, handed t  
ber of that House:

IN THE HOUSE OF ASSEMBLY, January 17th, 1792.

*Resolved*, That the Sergeant-at-Arms be directed to put in order the office at the southeast corner of the State House to receive the books, &c., of the Auditor of Accounts of this State.

Extract from the minutes.

FRANCIS MANY, for

Sent for concurrence.

JAS. BOOTH, *Cl'k*.

On motion, the foregoing resolution was read and unanimously disagreed to.

On motion, the following resolution was entered into:

*Resolved*, That the Auditor of Accounts be desired to call on the Commissioners appointed by the Levy Court of Kent County for building a new Court House in Dover, in said county, and request them to put him in the possession of the office at the southeast corner of said Court House, appropriated to and for the sole use and accommodation of the General Assembly by a law passed at Dover the twenty-ninth day of January, one thousand seven hundred and ninety-one, and that the said office shall be used and occupied by the Auditor of Accounts, and in such other manner as shall hereafter be directed by the General Assembly.

*Resolved*, That the Auditor of Accounts be furnished with a copy of the foregoing resolution.

*Ordered*, That Mr. Shankland wait on the House of Assembly with the foregoing resolutions, for their concurrence; which he did accordingly.

A petition from Margaret North was presented and read, praying Council to concur with the House of Assembly in granting a sum of money which had been reported by the Auditor to be due to her.

Adjourned to 10 o'clock to-morrow.

## WEDNESDAY

Council assembled. Present as

On motion,

*Ordered*, That Mr. Alexander  
mittee to take into consideration the  
which was presented and read yes

Adjourned to 10 o'clock to-mor

## THURSDAY

Council assembled. Present as

Mr. McKennan, a member of  
presented to the Chair a petition  
of New Castle County and a bill  
to an act entitled 'An act for the  
the 29th day of January, 1791,'  
bly and sent for concurrence. W  
motion, read.

The committee appointed to b  
entitled "An act supplementary  
the more easy and speedy reco  
5th February, 1785," reported a  
more easy and speedy recovery  
motion, read.

Agreeable to leave granted, M  
a bill entitled "An act to author  
Ridgely, executors of Charles F  
convey unto Daniel Mifflin a co  
Murderkill Hundred, Kent Cou  
read.



On motion, the petition from the Trustees of the Poor of New Castle County, together with the bill entitled "A supplementary act to an act entitled 'An act for the better relief of the Poor,' passed the 29th day of January, 1791," was committed to Mr. Tilton, Mr. Alexander, and Mr. Raymond, to report thereon.

Adjourned to 3 o'clock this afternoon.

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THURSDAY, January 19th, 1792, P. M.

Council assembled.

On motion, by special order, the bill entitled "An act for the more easy and speedy recovery of small debts," was read a second time by paragraphs, and passed Council.

*Ordered*, That Mr. Cooper wait on the House of Assembly with said bill for their concurrence.

Mr. Many, a member of Assembly, was admitted and presented to the Chair the following message from the President, together with the several letters and papers therein mentioned:

*Gentlemen of the General Assembly:*

The Secretary will lay before you a copy of additional treaties, index, and errata to complete the sets of the acts passed the first, second, and third sessions of Congress; also duly authenticated copies of "An act granting further time for making a return of the enumeration of the inhabitants in the District of South Carolina;" of "An act for the relief of David Cook and Thomas Campbell;" of "An act for making appropriations for the support of Government for the year 1792;" also a printed "Return of the enumeration of the inhabitants of the United States;" a letter from his Excellency, Charles Pinckney, Governor of the State of South Carolina, with a letter from the Secretary of that State, inclosing a list of books and papers belonging to the Delaware State, contained in a box in the said Secretary's office; a letter from the Honorable Thomas McKean and Edmund Phy-

sick, attorneys-in-fact of the H  
Penn of the kingdom of Great  
the Counties of New Castle, K  
the said attorneys-in-fact are au  
fines that were in arrears on the  
to make composition and agree  
and other rents, issues, and prof  
fines now due to the said propri  
ing to circumstances, and propo  
all the estate, rights and titles o  
this State.

The office of Treasurer of th  
by the death of John Gordon, t  
5th day of December last, by a  
Privy Council, constitute and ap  
surer of this State, to hold and c  
lature should take order in the p

Dover, January, 1792.

Council adjourned to 10 o'clock

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FRIDAY

Council assembled. Present a

Mr. McKennan, a member of  
mitted and presented to the Cha  
was, by order, read, viz:

IN THE HOUSE OF A

Whereas it appears, by a rep  
are a number of balances which  
in old emissions of Continental m

*Resolved*, That the Auditor b  
balances to specie value at the ra

An extract from the minutes.

Sent for concurrence.

The same member also delivered the following resolution :

IN THE HOUSE OF ASSEMBLY, January 20th, 1792.

*Resolved*, That the President of this State shall be requested to take such measures as he shall conceive most effectual for procuring sundry books and papers, the property of this State, as well as sundry books and papers, the property of Samuel Patterson, deceased, now in the State of South Carolina; and that the President draw an order on the State Treasurer for the necessary expenses for procuring the same.

An extract from the minutes. FRANCIS MANY, for

Sent for concurrence.

JAMES BOOTH, *Cl'k*.

On motion, the last mentioned resolution was read, considered and agreed to.

On motion, the President's Message, together with the letters and papers therein mentioned, were read.

Adjourned to 3 o'clock this afternoon.

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FRIDAY, January 20th, 1792, P. M.

Council assembled.

Mr. Rogers, a member of the House of Assembly, was admitted and presented to the Chair a bill entitled "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle," passed by the House of Assembly and sent for concurrence. Which bill was, on motion, read.

On motion, by special order,

The bill entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, the executors of Charles Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County," was read a second time by paragraphs and passed Council.

Mr. Alexander presented to the number of the inhabitants of the leave to bring in a bill to enlarge the Trustees of New Castle Common and leave granted accordingly.

On motion, by special order,

The bill entitled "An act to supply or about the year one thousand by Simon Dixon to John Way, of Mill Creek Hundred, in the County second time by paragraphs and

On motion to put in nomination tomorrow morning, out of whom the Councillors to supply the vacancy Manlove Emerson, Esquires, whereon the following nominations were nominated Nathaniel Mitchell, George McCall; Mr. Tilton moved Mr. Alexander nominated Charles M. Elijah Barratt.

Adjourned to 10 o'clock to-morrow

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#### SATURDAY

Council assembled.

Mr. Batson, a member of Assembly presented to the Chair a bill entitled by Dickerson to erect a mill-dam on Indian River near a place called Mill Creek Hundred, and Sussex County, a small piece of fast land, on the site of use of a grist and saw-mill, which was read in the House of Assembly and sent for report by motion, read and referred to Mr. Cooper, to report thereon.

Agreeable to leave granted yesterday, Mr. Alexander laid on the table a bill entitled "An act for enlarging the corporate powers of the Trustees of the New Castle Commons;" which was, on motion, read.

Mr. Robinson, a member of Assembly, was admitted and presented to the Chair a petition, signed by a number of the inhabitants of Campden, praying a law to prevent hogs from running at large, and a bill entitled "An act to prevent swine running at large in the village of Campden and certain bounds and limits therein prescribed," passed by the House of Assembly and sent for concurrence. Which petition and bill were, on motion, read.

A memorial, signed by the Sheriffs of New Castle and Kent Counties, praying leave to bring in a bill to increase the fees to Sheriffs, was laid on the table, and, on motion, read and referred to Mr. Alexander and Mr. Shankland, to report thereon.

On motion, by special order,

The bill entitled "An act for enlarging the corporate powers of the Trustees of the New Castle Commons," was read a second time by paragraphs, and passed Council.

Agreeable to the order of the day, Council proceeded to the election of two persons as Privy Councillors, to supply the vacancies occasioned by the expiration of the times of George Wilson and Manlove Emerson, Esquires, and the ballots being taken and cast up, it appears that Nathaniel Mitchell and George McCall, Esquires, were duly elected, and they were declared to be duly elected accordingly.

Adjourned to 10 o'clock on Monday next.

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MONDAY, January 23d, 1792.

Council assembled. Present as on Saturday.

*Ordered*, That Mr. Raymond wait on the House of Assembly with the following papers, viz:

"An act to supply the loss of year one thousand seven hundred and thirty six, John Dixon to John Way, for two hundred and thirty six, in the County of New Castle; "An act to authorize Ann, executors of Charles Ridgely, to sell to Daniel Mifflin a certain parcel of land, Kent County," passed by the General Assembly; "An act for enlarging the corporation of the New Castle Commons," passed by the General Assembly; and the resolution of the House of Commons into the 20th instant, respecting the State, now in South Carolina.

Which he did accordingly.

On motion,

*Ordered*, That Mr. Shankland be appointed a committee to take into consideration the petition of the people to prevent swine running at large, and to report thereon, within certain bounds and limits therein specified.

Mr. Evans, a member of the House of Commons, read and presented the following resolution:

IN THE HOUSE OF ASSEMBLY

*Resolved*, That a Joint Committee be appointed to take into consideration the petition of the people of the State, and as far as can be the advantage of the State, to the same, and report to this General Assembly the means for bringing all monies into the Treasury.

The members on the part of the House of Commons, Mr. Evans, and Batson.

Extract from the minutes.

Sent for concurrence.

Adjourned to 10 o'clock to-morrow.

TUESDAY, 24th January, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the petition of Margaret North, presented the following report, which was read:

That from every information they have been able to collect, it is the opinion of your committee that Council should concur with the House of Assembly and agree to the Auditor's report, as made to the House of Assembly the 11th of January, 1791, and entered on the minutes of Council.

On motion, the report of the Auditor, dated the eleventh of January, one thousand seven hundred and ninety-one, as entered at large on the minutes of Council the twelfth day of January, one thousand seven hundred and ninety-one, allowing the sum of one hundred and twelve pounds six shillings and five pence to Margaret North, was read, considered, and concurred in.

On motion, the resolution of the House of Assembly appointing a joint committee to take into consideration the state of the finances of this State, presented yesterday, was read, considered, and agreed to.

The members appointed on the part of Council, are Mr. Tilton, Mr. Alexander, and Mr. Raymond.

*Ordered*, That Mr. Cooper wait on the House of Assembly and return them the above resolution and the report of the Auditor, concurred in by Council; which he did accordingly.

Adjourned to 10 o'clock to-morrow.

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WEDNESDAY, January 25th, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the memorial of the Sheriffs of New Castle and Kent Counties, presented the following report, viz:

That as this State is now about to be divided into two parts, and to form a new one, which and at which time it will be necessary to make many general regulations for the better government, the opinion of your committee is that it is better to go into any partial regulation than to amend the present existing laws of this State.

Which was, on motion, read and passed.

The committee to whom was referred the bill to act to prevent swine running at large, and certain bounds and limits, and sundry amendments to said bill.

On motion, the said bill was passed with the amendments proposed thereto by the committee.

Adjourned to 3 o'clock this afternoon.

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#### WEDNESDAY

Council assembled.

On motion, the bill entitled "An act to prevent swine running at large in the village of Campden, and certain bounds and limits therein prescribed," was read and passed with the amendments proposed, and the amendments were agreed to.

*Ordered*, That Mr. Cooper be and he did accordingly with said bill; which he did accordingly.

Mr. McKennan, a member of the Council, returned the bill entitled "An act for the recovery of small debts," with amendments thereto by the House of Assembly.

Adjourned to 10 o'clock to-morrow.



THURSDAY, 26th January, 1792.

Council assembled. Present as yesterday.

The committee to whom was referred the bill entitled "A supplementary act to the act entitled 'An act for the better Relief of the Poor,'" reported that the said act, as passed by the House of Assembly, should be rejected by Council, and, instead thereof, a bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the 29th day of January, 1791," which the committee now laid on the table, should be substituted.

On motion, the act reported by the committee was read.

On motion, the bill entitled "A supplementary act to the act entitled 'An act for the better Relief of the Poor,'" as passed by the House of Assembly, was read and unanimously rejected.

On motion, the bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the 29th day of January, 1791," as reported by the committee, was, by special order, read a second time by paragraphs, and passed Council.

*Ordered*, That Mr. Tilton wait on the House of Assembly with said bill, for their concurrence; which he did accordingly.

On motion, the resolution of the House of Assembly, presented the 20th inst., directing the Auditor to liquidate the balances due on the old emissions, was read, considered, and agreed to.

*Ordered*, That Mr. Tilton return the said resolution to the House of Assembly; which he did accordingly.

Adjourned to 10 o'clock to-morrow.

## FRIDAY

Council assembled. Present as

Mr. McKennan, a member of Assembly, presented to the Chair an act entitled "An act to repair, support and maintain the levee of the Mississippi River, situate at the north end of the parish of St. Louis, and the lands adjoining to the same," passed by the Legislature, and a petition from the owners of marsh near the Town of

On motion, the act entitled "An act for the speedy recovery of small debts," was passed thereto by the House of Assembly. Amendments were disagreed to, and a petition proposed thereto by Council.

*Ordered*, That Mr. Cooper was appointed with said bill, and the amendments thereto; which he did accordingly.

The committee to whom was referred the bill to enable Elisha Dickerson to erect a levee on the waters of Indian River, presented

"That they are of opinion said bill, and the amendments thereto, be passed."

Which was, on motion, read and passed.

On motion of Mr. Tilton, seconded, that the said bill be recommitted, it was

Mr. McKennan, a member of Assembly, presented to the Chair a memorial of his son, William Clark Frazer, "An act to vest William Clark Frazer with the estate of William Clark, deceased, in the devisee had devolved to the said Clark Frazer, an infant."

On motion, the bill entitled "An act to enable Elisha Dickerson to erect a mill-dam across the headwaters of Indian River," was, by special order, taken up for a second reading, by paragraphs, and after some progress made therein, Council adjourned to 3 o'clock this afternoon.

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FRIDAY, January 27th, 1792, P. M.

Council assembled, and, on motion, resumed the reading, by paragraphs, the bill entitled "An act to enable Elisha Dickerson to erect a mill-dam across the headwaters of Indian River."

On motion of Mr. Tilton, seconded by Mr. Alexander, to postpone the reading said bill till Council have further consideration of the same, it was determined in the negative.

Council then proceeded in the reading of said bill, and sundry amendments being proposed thereto and agreed to, passed Council.

Adjourned to 10 o'clock to-morrow.

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SATURDAY, January 28th, 1792, A. M.

Council assembled. Present as yesterday, except Mr. Shankland.

Mr. Hollingsworth, a member of Assembly, was admitted and delivered the following papers, viz: A petition signed by James Delaplaine, with the following resolution:

IN THE HOUSE OF ASSEMBLY, 26th January, 1792, P. M.

*Resolved*, That James Delaplaine, late Collector of the State Tax of New Castle County, be allowed four per cent. for the col-

lection of the State tax for the year  
of his account with the Auditor.

Sent for concurrence.

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The same member also delivered

We, the Joint Committee of both  
sembly, appointed to take into con-  
finances of the State, and the means  
outstanding debts into the Treasury

That the Auditor lay a state of the  
Assembly, specifying the several  
due from each of them, as near as  
law be passed appointing a State  
powers to recover, in the most speed-  
sum or sums so reported due to the  
the sale of lands or goods at the same  
the same, and make sale thereof for  
having regard to the interest of the  
sales. That provision be made for  
different Loan Offices into the Treas-  
loans of money be made on mortgage  
for appointing collectors for the  
County for the tax laid in 1790, w  
pointed. That the Auditor, at a  
furnish the Treasurer with an account  
accounts as the same stand on the  
State Treasurer shall settle his account  
tor.

Signed on the part of Council,

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JA

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Signed on the part of the House

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Amendment proposed by the Ho

of the Joint Committee of both Houses: That the word "Treasurer" shall be erased, and "agent" put in the stead thereof, in the 5th line.

Sent for concurrence.

FRANCIS MANY,

Jan. 27th, 1792, A. M.

For JAS. BOOTH, *Cl'k*.

A memorial from Charles Pope, formerly Lieutenant Colonel of the troops of this State, with the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, January 28th, 1792.

*Resolved*, That Lt. Col. Charles Pope is entitled to the benefit of all that part of the act of Assembly of this State entitled "An act for calling out of circulation their quota of Continental money," so far as it respects the depreciation of the pay due to the officers and soldiers of the Delaware Regiment, and that the Auditor and the surviving Commissioner for settling the depreciation accounts be required to adjust and liquidate the depreciation of the pay of the said Charles Pope and issue their certificate or certificates for the same.

Sent for concurrence.

FRANCIS MANY,

For JAS. BOOTH, *Cl'k*.

Mr. Hollingsworth also returned the bill entitled "An act for the more easy and speedy recovery of small debts," with the amendments proposed by the House of Assembly, and disagreed to by Council, receded from, and the amendment proposed by Council disagreed to, and a further amendment proposed by the House of Assembly.

On motion, the said bill was read, and the amendment proposed by Council receded from, and the amendment proposed by the House of Assembly agreed to.

*Ordered* that the same be now engrossed.

On motion, the report of the joint committee appointed to take into consideration the state of the finances, was read and agreed to. The amendment proposed thereto by the House of Assembly was rejected.

*Ordered*, That Mr. Alexander wait on the House of Assembly and return said report; which he did accordingly.

Mr. Truitt, a member of Assembly, presented to the Chair a bill entitled "An act to grant a tract or parcel of meadow, marsh and cripple, situate at the north end of the Mill Creek Marshes, situated in Mill Creek County," passed by the House of Representatives.

Adjourned to 10 o'clock on Monday.

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MONDAY

Council assembled. Present a

On motion, the bill entitled "An act to grant a tract or parcel of meadow, marsh and cripple, situate at the north end of the Mill Creek Marshes, situated in Mill Creek County," was read.

On motion, the last mentioned bill was read a second time and passed. The act for the better improvement of the marsh and cripple, commonly known as the Mill Creek Marshes, situated on St. Jones' River, in Mill Creek County, was read to Mr. Tilton and Mr. Alexander.

Adjourned to 3 o'clock this afternoon.

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MONDAY

Council assembled.

On motion, the memorial of the Mill Creek Marshes, with the resolution of the House of Representatives, the 28th instant, were read.

On motion,

*Resolved*, That Council do concur in the said resolution.

*Ordered*, That Mr. Raymond return said resolution to the House of Assembly, which was done accordingly.

On motion, the memorial of William Frazer, in behalf of his son, and the bill entitled "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant," were read and referred to Mr. Alexander, Mr. Raymond, and Mr. Cooper, to report thereon.

On motion, the petition of James Delaplaine, with the resolution of the House of Assembly, dated the 26th inst., respecting a further allowance to him as Collector of the State Tax for 1785, were read and committed to Mr. Tilton and Mr. Cooper to report thereon.

Adjourned to 10 o'clock to-morrow.

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TUESDAY, January 31st, 1792.

Council assembled. Present as yesterday.

Mr. McKennan, a member of Assembly, was admitted and presented a bill entitled "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State,'" passed by the House of Assembly and sent for concurrence. Which was, on motion, read.

Mr. Evans, a member of Assembly, was admitted and returned the bill entitled "A supplementary act to an act for the better Relief of the Poor," with twenty amendments proposed thereto by the House of Assembly, which, on motion, were read, and five of their proposed amendments disagreed to, one postponed, the remaining number agreed to, and an amendment proposed thereto by Council.

The committee to whom was referred the bill entitled "An act

to enable the owners and possessors of the ground, marsh and cripple, situated at New Castle, to repair, support and sluices belonging to the same thereto.

On motion, the said bill was, at that time, by paragraphs, and sundry amendments, and agreed to, passed Council.

*Ordered*, That Mr. Cooper be and he do with said bill, and the amendments proposed thereunto; which he did accordingly.

Mr. Hollingsworth, a member of Council, returned the report of the joint committee on finance, with the amendment proposed by him, and disagreed to by Council as to the amendments proposed thereto, viz:

Adjourned to 10 o'clock to-morrow.

#### WEDNESDAY

Council assembled. Present 4.

*Ordered*, That Mr. Tilton wait on the Council and deliver them the following verbal resolutions, viz:

*Gentlemen:*

The Council propose to the next meeting of the General Assembly, on Monday, the 1st of June, at one o'clock this afternoon, in order to fill the vacancy, out of whom shall be chosen a Justice to supply the vacancy occasioned by the death of Justice Tilton, also to put in nomination persons to fill the vacancy, and a Justice to supply the vacancy.



in the County of Sussex, occasioned by the death of Peter F. Wright, Esquire.

Mr. Tilton delivered the message accordingly.

Mr. Truitt, a member of Assembly, was admitted and returned the above message, concurred in by the House of Assembly.

Adjourned to 3 o'clock this afternoon.

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WEDNESDAY, February 1st, 1792, P. M.

Council assembled.

Mr. Truitt, a member of Assembly, was admitted and delivered the following verbal message, which was read, viz:

IN THE HOUSE OF ASSEMBLY, P. M., February 1st, 1792.

*Gentlemen:*

The House of Assembly propose to the honorable Legislative Council that they will meet, in the Council Chamber, in five minutes, in order to put in nomination persons out of whom shall be chosen a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire; and also to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas in the County of Sussex, occasioned by the death of Peter F. Wright, Esquire.

The General Assembly met in Council Chamber.

The verbal message sent this morning by Council to the House of Assembly, and concurred in by that House, was, by order, read.

On motion of Mr. Many, seconded by Mr. Barratt, that as the President or Commander-in-Chief is not present, the two Houses do now separate, it was determined in the negative.

On motion of Mr. Truitt, seconded by Mr. Batson, that the General Assembly do now proceed to nominate persons out of

whom shall be chosen a State Treasurer, occasioned by the death of John Gordon, determined in the affirmative.

The General Assembly proceeded to nominate persons were nominated, viz:

Mr. Draper nominated Robert Draper, Esquire; Francis Many, Esquire; Thomas Ridgely, Esquire; Mr. Alton, Esquire.

On motion of Mr. Batson, seconded, the General Assembly do now proceed to choose Justices of the Peace for the Court of Common Pleas in Sussex County, determined in the affirmative.

The General Assembly proceeded to nominate persons were nominated:

Mr. Tilton nominated Peter Tilton, Esquire; Mr. Batson nominated Charles Batson, Esquire; Batson nominated Isaac Cooper, Esquire.

On motion,

*Resolved*, That the two Houses of the Council Chamber, in one hall, choose persons, from those in nomination, to be Justices of the Court of Common Pleas.

The Houses separated accordingly.

The General Assembly met, in the afternoon, and on motion, proceeded, by joint ballot, to choose a Treasurer, to supply the vacancy of John Gordon, Esquire, and the result was determined, it appeared that Robert C. and he was declared duly elected.

On motion of Mr. Batson, seconded, the General Assembly do now proceed to choose Justices of the Peace out of those in nomination, as determined in the Court of Common Pleas, determined in the negative.

On motion of Mr. Batson, seconded by Mr. McKennan, that the consideration of the last question be resumed, it was determined in the affirmative.

On motion of Mr. Batson, seconded by Mr. Cannon, that the General Assembly do now proceed to elect persons, by ballot, out of those in nomination as Justices to supply the vacancies in the Court of Common Pleas in the County of Sussex, it was determined in the affirmative.

The Speaker of the House of Assembly requested leave to retire, as he considered it unconstitutional to go into such appointment in the absence of the President. Leave was granted and he retired accordingly.

On motion of Mr. Barratt, seconded by Mr. Barker, that the yeas and nays be taken on the question to elect persons, by ballot, as Justices in the Court of Common Pleas in Sussex County, it was determined in the affirmative. They were taken accordingly, and are as follows:

*Yeas*—Mr. Alexander, Mr. Tilton, Mr. Maxwell, Mr. Robinson, Mr. Reynolds, Mr. McKennan, Mr. Hayes, Mr. Batson, Mr. Draper, Mr. Jeremiah Cannon, Mr. Wingate Cannon, Mr. Cooper.

*Nays*—Mr. Raymond, Mr. Evans, Mr. Collins, Mr. Hollingsworth, Mr. Truitt, Mr. Barratt, Mr. Many, Mr. Lewis, Mr. Barker, Mr. Oliver.

On motion of Mr. Tilton, seconded by Mr. Cannon, that the Speaker of the House of Assembly having retired, shall this General Assembly proceed to elect persons out of those in nomination as Justices to supply the vacancies in the Court of Common Pleas in the County of Sussex? it was determined in the negative.

On motion of Mr. Evans, seconded by Mr. Barker, that the Clerk of the House of Assembly be directed to request the Speaker of that House to resume his seat, it was determined in the affirmative.

The Clerk reported, from the Speaker, that he would resume the Chair for the purpose of the Houses to separate, but, as leave was granted him to retire, he did not choose to resume for any other purpose.

On motion of Mr. Evans, se  
Mr. Robinson do now take th  
House of Assembly, as Speake  
was determined in the affirmativ  
in the Chair accordingly.

The General Assembly then p  
election of Justices, separately,  
Court of Common Pleas in Suss  
taken and examined, it appeare  
was duly elected second Justice;  
elected third Justice, and Isaac C  
fourth Justice, and they were de

Then the two Houses separat  
o'clock to-morrow.

---

#### THURSDAY

Council assembled. Present

On motion, the report of the  
finance, together with the amen  
House of Assembly, were read  
disagreed to.

On motion,

*Resolved*, That Mr. Tilton an  
prepare and bring in a bill agre  
of the joint committee on the su

On motion, the amendments  
sembly to the bill entitled "A  
titled 'An act for the better Reli  
the 29th day of January, 1791,  
Council, were read, and the fo  
remainder agreed to.

*Ordered*, That Mr. Raymon

amendments, as acted on by Council, and the report of the joint committee on the subject of finance, with the amendments proposed disagreed to, to the House of Assembly; which he did accordingly.

Adjourned to 3 o'clock this afternoon.

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THURSDAY, February 2d, 1792, P. M.

Council assembled.

The committee to whom was referred the bill entitled "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant," reported an amendment thereto.

On motion, the said bill was, by special order, read a second time by paragraphs, and an amendment being proposed thereto and agreed to, passed Council.

*Ordered*, That Mr. Cooper wait on the House of Assembly with said bill, as amended, for their concurrence; which he did accordingly.

Mr. McKennan, a member of Assembly, was admitted and presented to the Chair a bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" passed by the House of Assembly and sent for concurrence. Which was, on motion, read.

On motion, the bill entitled "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estate of persons dying within this State,'" was committed to Mr. Raymond and Mr. Alexander, to report thereon.

Mr. Evans, a member of Assembly, was admitted and delivered a report from the Auditor, dated January 25th, 1792, con-

taining a circumstantial account  
which was, on motion, read, and

Council adjourned to 10 o'clock

FRIDAY

Council assembled. Present

Mr. Lewis, a member of Assembly,  
the bill entitled "A supplement  
for the better Relief of the Poor  
1791," thus acted on:

IN THE HOUSE OF ASSEMBLY

The amendments not agreed to  
this House, and the amendments  
agreed to.

On motion, ordered that said

Mr. Robinson, a member of  
Assembly, delivered the following reports from  
House, viz:

The Auditor of Accounts  
transmitted to the office of the  
of the United States the account  
the recruiting service during the  
said office statements of several  
are in a condition to be acted  
upon, which is sent herewith,  
make the following report:

That, charging Capt. Peter Jacobson  
he received from Col. Hall in

Also with money he received from Geo. Read, Esq.,	
in May, 1777, . . . . .	\$ 780 00
and with the specie value of \$1,000 he received from	
Col. Hall in June, 1778, . . . . .	354 80
there remains due to him, in specie, the sum of	
£153 : 18 : 4, equal to . . . . .	410 40
	<hr/>
	\$1,805 30

Equal to the credit given this State by the United States.

Dover, January 26th, 1792.

ELEAZER McCOMB.

The Auditor of Accounts, to whom was referred two petitions of George Evans, of New Castle County, begs leave to report:

With respect to the first petition, dated January 2d, 1792, that at the time allowances were made to the lieutenants and sub-lieutenants of Kent and Sussex Counties, it was alleged, by one or more of the members of the General Assembly from New Castle County, that those officers for that county would not exhibit any charge for their service, but would be contented with the Militia fines they had received, or were to receive, under the law. This the Auditor took for granted, as no account appeared of any money paid by them, on account of fines, to the State Treasurer; and although the declaration of these gentlemen doth not preclude the demand, the Auditor is of opinion that no allowance whatever ought to be made to the lieutenant or sub-lieutenants of New Castle County for their services until the Militia fines received by them are duly accounted for.

With respect to the second petition, dated January 4th, 1792, the Auditor is of opinion, that as Francis Wade was an officer of the United States, and not accountable to this State for his conduct in the transaction of his business, any just demand which Mr. Evans may have against him, as an officer of the United States, should be exhibited to Congress.

The Auditor begs leave further to mention that the said Geo. Evans, acting as Commissary under the appointment and orders of the President and Privy Council of this State, sold and disposed of a number of cattle, &c., to a considerable amount, in the month of November, 1777, of the sales of which no account hath yet been rendered; but a list of outstanding debts, amount-

ing to £693 : 14 : 9, hath been m  
tor's office, and, by his own co  
hands upwards of one thousand  
received on account of said propo

The Auditor, having heretofore  
summons, to appear in his office  
neglecting so to do, caused a suit  
the Court of Common Pleas of  
still depending; and the Auditor  
ought to collect the debts he ha  
count for what he has received,  
have been lost through his neglec

Dover, January 19th, 1792.

The Auditor of Accounts begs

To James Adams, for printing t  
ceedings of the House of Assem  
of January, 1791, 14 sheets, @  
And for printing the Votes and  
ings of the sessions of October  
3½ sheets, @ 28s., . . . . .

To Frederick Craig & Co., for  
the Laws of the January sessi  
taining 9½ sheets, @ 30s., . .

To Brynberg & Andrews, for p  
in the Delaware Gazette the re  
of the General Assembly resp  
convention, . . . . .

For printing the Votes and Pro  
of the House of Assembly at  
sions of September, 1791, 3 s  
28s., . . . . .

And for printing the Laws passe  
session of October, 1791, 1½  
@ 30s., . . . . .

Dover, January 24th, 1792.



The Auditor of Accounts begs leave to report that there is due:

To James Adams, for printing the Votes and Proceedings of the House of Assembly at the session of January, 1791, containing 14 sheets, @ 28s., . . . . .	£ 19 12 0	
And for printing the Votes and Proceedings of the session of October, 1791, 3½ sheets, @ 28s., . . . . .	4 18 0	
	<hr/>	£ 24 10 0
To Frederick Craig & Co., for printing the Laws of the January session, 1791, containing 9½ sheets, @ 30s., . . . . .		14 5 0
To Brynberg & Andrews, for printing the Votes and Proceedings of the House of Assembly at the session of September, 1791, 3 sheets, @ 28s., . . . . .	£ 4 4 0	
And for printing the Laws passed at the session of Oct., 1791, 1½ sheets @ 30s., . . . . .	2 5 0	
	<hr/>	6 9 0
		<hr/>
		£ 45 4 0

Dover, January 24th, 1792.

ELEAZER McCOMB.

Mr. Robinson also delivered a paper containing as follows, viz:

IN THE HOUSE OF ASSEMBLY, A. M., February 3d, 1792.

The several reports of the Auditor, sent herewith, are agreed to, and sent to Council for concurrence.

For JAMES BOOTH, *Cl'k*,  
FRANCIS MANY.

On motion, the Auditor's reports were read and committed to Mr. Raymond and Mr. Alexander, to report thereon.

On motion, the bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled An act to prevent the exportation of slaves, and for other purposes," was committed to Mr. Cooper and Mr. Raymond, to report thereon.

Council adjourned to 3 o'clock this afternoon.



act to prevent the exportation of slaves, and for other purposes," was read a second time.

Mr. McKennan, a member of Assembly, was admitted and delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, February 3d, 1792.

*Resolved*, That it is the intention of this House to conclude the present session to-morrow evening.

For JAMES BOOTH, *Cl'k*,  
FRANCIS MANY.

Which, by order, was read.

Mr. Draper, a member of the House of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, February 3d, 1792.

*Resolved*, That the incidental expenses of the Convention of this State that have or may accrue, which are not provided for by the resolution of September last, be now provided for, and that the President of said Convention be empowered to draw upon the State Treasurer an order or orders for the discharge of such expenses, at such time or times as he shall conceive necessary, so that such order or orders be approved of by said Convention.

Extract from the minutes.  
Sent for concurrence.

For JAMES BOOTH, *Cl'k*,  
FRANCIS MANY.

Which was, on motion, read.

A petition, signed by sundry inhabitants of New Castle County, and the following petition and address of Warner Mifflin, was presented to the Chair, and, by order, read, viz:\*

The committee to whom was referred the report of the joint committee on the subject of finance, reported a bill entitled "An act for expediting the collection of arrearage taxes, and for other purposes;" which was, on motion, read.

On motion, by special order, the said bill was read a second time by paragraphs and passed Council.

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\* Not recorded.

*Ordered*, That Mr. Alexander bly and deliver said bill for the Auditor's report, as acted upon accordingly.

Adjourned to 10 o'clock to-morrow

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SATURDAY

Council assembled. Present as

The committee to whom was referred a conditional supplement to an act entitled "An act to amend the laws relating to the recording of actions and proving accounts of persons dying within this State," reported accordingly.

On motion, said bill was read a second time by paragraphs, and sundry amendments agreed to, passed Council.

*Ordered*, That Mr. Raymond withdraw from with said bill and proposed amendments, which he did accordingly.

Mr. Truitt, a member of Assembly, introduced an act entitled "An act to authorize the executors of Charles Ridgely, the executors of Charles Ridgely, to convey unto Daniel Mifflin a certain parcel of land in the Murderkill Hundred, Kent County," which was read by the House of Assembly.

*Ordered* that the said bill be not

On motion, the resolution of the House appropriating the sum of £550 to the use of the said was read and disagreed to.

*Ordered*, That Mr. Cooper withdraw from and return said resolution; which he did

Adjourned to 3 o'clock this afternoon

SATURDAY, February 4th, 1792, P. M.

Council assembled.

Mr. Batson, a member of Assembly, was admitted and returned the bill entitled "An act for expediting the collection of arrearage taxes, and other purposes," concurred in and passed by the House of Assembly,

*Ordered* that said bill be now engrossed.

Mr. McKennan, a member of Assembly, was admitted and delivered a bill entitled "An act for the appropriation of the sum of five hundred and fifty pounds toward finishing the chambers in the Court House of Kent County, for the use of the Legislature, and for other purposes," passed by the House of Assembly and sent for concurrence. Which was, on motion, read.

Mr. McKennan also delivered the following report from the Auditor, which was agreed to by the House of Assembly and sent for concurrence, viz:

The Auditor of Accounts begs leave to report: That Andrew Barratt, Esq., late High Sheriff of Kent County, hath exhibited an account—

For attending the High Court of Errors and Appeals, 14 days, at different sessions, from October, 1788, to June, 1791, inclusive, at 7 : 6 per diem, .	£	5	5	0
Summoning the members of the General Assembly for Kent County, in June, 1789, and Sept., 1791, .		5	0	0
And for serving 10 summonses, issued by the Auditor in behalf of the State, in 1789, . . . . .		2	10	0
		<hr/>		
		£	12	15

Which the Auditor is of opinion ought to be allowed and passed to the credit of his account. . . . . ELEAZER McCOMB.

Dover, February 3d, 1792.

"In the House of Assembly, 4th February, 1792: Agreed to."

For JAMES BOOTH, *Clk*,  
F. MANY.

On motion, the foregoing r  
agreed to.

Mr. Truitt, a member of As  
ered the following report from t

The Auditor of Accounts, to  
exhibited by the executors of  
having considered the same, beg  
due to his estate, for public se  
him in the execution of the laws  
be credited, the following sums,

For sending David Harper to S  
tend the sales of George Baco  
29 days attendance at the sales o  
to sundry delinquent collecto  
at different times, including e  
Expenses of printing advertiser  
setting them up, . . . . .  
The same expense and trouble a  
A deed of conveyance and ackno  
Expenses of advertising, . . .  
Attending the Trustee of the  
County, receiving and countin  
from Kent and Sussex Count  
same, together with sundry c  
Expenses of printing Treasury  
Issuing Treasury notes for £52  
hundred pounds, . . . . .

Dover, February 2d, 1792.

" In the House of Assembly,

Sent for concurrence.

On motion, the foregoing r  
agreed to.

Mr. McKennan, a member  
presented the following resolutio

IN THE HOUSE OF ASSEMBLY, February 4th, 1792.

*Resolved*, That Joseph Taylor, late Collector of the State Tax Kent County, be allowed four per cent. for the collection of the State tax for the year 1785, on the final settlement of his accounts with the Auditor.

A true extract from the minutes.

For JAMES BOOTH, *Clk.*

F. MANY.

On motion, the foregoing resolution was read, considered and agreed to.

On motion, the resolution of the House of Assembly, allowing James Delaplaine four per cent. for the collection of the State Tax for 1785, presented to Council for concurrence the 28th January, was read, considered, and agreed to.

On motion, the bill entitled "An act for the appropriation of the sum of five hundred and fifty pounds toward finishing the Chambers in the Court House of Kent County, for the use of the Legislature, and for other purposes," was read a second time.

On motion to postpone said bill, it was determined in the affirmative.

Mr. McKennan, a member of the House of Assembly, was admitted and presented the following resolution, together with the bills therein mentioned, signed by the Speaker of the House of Assembly, viz:

IN THE HOUSE OF ASSEMBLY, A. M., February 4th, 1792.

*Resolved*, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts:

1. "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Nixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle;"
2. "An act for enlarging the corporate powers of the Trustees of the New Castle Commons;"
3. "An act to enable the owners and possessors of a certain

tract of meadow ground, mars  
end of the Town of New Castle  
the banks, dykes and sluices b

4. "An act for enabling Eli  
across the head of the waters o  
Rock Hole, in Indian River l  
for the condemnation of a sma  
side of said waters, for the use  
yard;"

5. "An act to vest certain p  
deceased, which by reason of al  
to the Delaware State, in Willi

6. "An act to prevent swine  
Camden and certain bounds an

7. "An additional suppleme  
actions and proving accounts a  
within this State."

*Ordered*, That Mr. McKen  
the above resolution, for thei  
therein mentioned, in order t  
Speaker of that House.

On motion,

*Ordered*, That the above me  
Speaker of Council; which wa

On motion,

*Ordered*, That the Speaker  
grossed bills; which he did acc

1. "An act for the more e  
debts;"

2. "A supplementary act t  
better Relief of the Poor,' pa  
day of January, one thousand



3. "An act to authorize Ann Ridgely and Nicholas Ridgely, the executors of Charles Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County;"

4. "An act for expediting the collection of arrearage taxes, and other purposes."

*Ordered*, That Mr. Alexander wait on the House of Assembly and deliver the above mentioned bills, in order that they may be signed by the Speaker of that House; which he did accordingly.

Council made the following allowances:

To the Honorable George Mitchell, Esq., Speaker, for 30 days' attendance and mileage, . . . . .	£	29	10	0
To Nehemiah Tilton, Esq., for 35 days' attendance and mileage, . . . . .		23	10	0
To Archibald Alexander, Esq., for 28 days' attend- ance and mileage, . . . . .		19	1	0
To James Raymond, Esq., for 28 days' attendance and mileage, . . . . .		17	7	0
To Isaac Cooper, Esq., for 30 days' attendance and mileage, . . . . .		20	10	0
To Rhoads Shankland, Esq., for 21 days' attend- ance and mileage, . . . . .		14	17	0
To Charles Nixon, for 28 days' attendance and en- grossing, . . . . .		29	1	0
To Thomas Wild, for 32 days' attendance and charge of firewood, candles, &c., . . . . .		24	3	1
To John Clayton and George Cummins, Esquires, executors of John Gordon, Esq., for sundries furnished by him for the use of Council Cham- ber, . . . . .		10	6	4½
	£	188	5	11½

On motion,

*Resolved*, That orders be drawn on the State Treasurer, and signed by the Speaker, for the above sums.

Whereupon orders were drawn and signed accordingly.

Adjourned to the 20th October next.



# VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

---

SPECIAL SESSION, MAY, 1792.

---

TUESDAY, May the 1st, 1792.

Council assembled. A quorum not attending, adjourned to Wednesday, the 2d May, 1792, A. M.

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WEDNESDAY, the 2d May, 1792, A. M.

Council assembled. Present, the Honorable George Mitchell, Esq., Speaker ; Mr. Tilton, Mr. Raymond, Mr. Shankland, and Mr. Cooper.

Council adjourned to 3 o'clock this afternoon.

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WEDNESDAY, the 2d May, 1792, P. M.

Council assembled.

On motion, *Ordered*, That Mr. Raymond wait on the House of Assembly with the following engrossed bills passed the last session, together with the originals, for the reëxamination and

inspection of that House previous  
for affixing the Great Seal to said

1. "An act to supply the loss of  
year one thousand seven hundred  
Dixon to John Way, for two hundred  
Hundred, in the County of New C

2. "An act for enabling Elisha  
across the head of the waters of In  
Rock Hole, in Indian River Hun  
for the condemnation of a small p  
side of said waters, for the use of  
yard;'"

3. "An act to vest certain parts  
deceased, which by reason of ali  
volved to the Delaware State, in W

4. "An act to prevent swine run  
Camden, and certain bounds and l

5. "An additional supplement  
the limitation of actions and provi  
of persons dying within this State

Mr. Raymond delivered the ab  
with their originals, agreeable to o

Mr. Barratt, a member of the H  
ted and presented the following res  
read :

#### IN THE HOUSE OF ASSEMBLY O

On motion of Mr. Evans, second

*Resolved*, That this House will  
business but what is absolutely nec  
speedy measures for completing t  
of the General Assembly, and tha  
copy of this resolution.

Extract from the minutes.

JAMES

On motion,

*Ordered*, That Mr. Tilton, Mr. Raymond, and Mr. Cooper be a committee to prepare and bring in a bill appropriating the surplusage of interest over and above the sums necessary to pay off the interest on the loans made to the United States on the assumed debt of this State.

Council adjourned to 9 o'clock to-morrow.

THURSDAY, May 3d, 1792, A. M.

Council assembled. Present as yesterday, and Mr. Alexander, who attended and took his seat.

Mr. Maxwell, a member of the House of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,  
THURSDAY, A. M., May 3, 1792.

On motion of Mr. Evans, seconded by Mr. McKennan,

*Resolved*, That this House now adjourn to three o'clock in the afternoon, to meet at the house of Thomas Hale, at Duck Creek Cross Roads, and there sit for the transaction of the public business.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

*Cl'k of Assembly.*

On motion, the above resolution was read, considered and agreed to.

*Ordered*, That Mr. Alexander wait on the House of Assembly and return the said resolution; which he did accordingly.

Council adjourned to 3 o'clock this afternoon, to meet at the house of Thomas Hale, at Duck Creek Cross-Roads.

## DUCK CREEK CRO

## AT THE HO

## THU

Council assembled.

The Speaker laid on the table a bill in force an act for the amending of the provisions made in the act entitled 'An act to settle the accounts of this State, and for the settlement of the same,' which was, on motion, read by Cooper and Mr. Alexander, to report.

Adjourned to 9 o'clock to-morrow.

F

Council assembled. Present a

The committee to whom was referred the bill continuing in force an act for the amending of the provisions made in the act entitled 'An act to settle the accounts of this State, and for the settlement of the same,' reported that the same should be passed into a law.

On motion, by special order, the bill was read by paragraphs and passed Council.

*Ordered*, That Mr. Shankland and Mr. [unclear] with said bill, for their concurrence.

The committee appointed on the bill entitled "An act to appropriate money from the unsubscribed part of the [unclear] which was, on motion, read.

On motion, by special order, the above mentioned bill was read a second time by paragraphs and passed Council.

*Ordered*, That Mr. Cooper wait on the House of Assembly with said bill, for their concurrence; which he did accordingly.

Adjourned to 3 o'clock this afternoon.

---

FRIDAY, May 4th, 1792, P. M.

Council assembled.

Mr. McKennan, a member of Assembly, was admitted and presented the following report of the committee of the House of Assembly, with the following resolution of that House, and the engrossed bills therein specified, viz:

The committee to compare the several engrossed bills passed at the last sitting of the General Assembly, and to which the Great Seal hath not been affixed, report that they have carefully performed the service committed to them, and now deliver to the House the said engrossed bills, which are accurately conformed to the original draughts.

W. McKENNAN,  
WINGATE CANNON.

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,  
FRIDAY, A. M., May 4th, 1792.

On motion,

*Resolved*, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts passed during the last sitting of the General Assembly, to wit:

1. "An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River, near a place called Rock Hole, in Indian River Hundred, Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard;"

2. "An act to authorize Ann executors of Charles Ridgely, Es Daniel Mifflin a certain parcel of dred, Kent County;"

3. "A supplementary act to better Relief of the Poor,' passed of January, one thousand seven

4. "An act to enlarge the corp the New Castle Commons;"

5. "An act to enable the own tract of meadow ground, marsh end of the Town of New Castle, the banks, dykes and sluices belo

6. "An act for expediting th and for other purposes;"

7. "An act to vest certain par deceased, which, by reason of a volved to the Delaware State, i fant;"

8. "An act to prevent swine r Camden, and certain bounds and

9. "An act to supply the lo the year one thousand seven hu Dixon to John Way, for two hur Hundred, in the County of New

10. "An additional suppleme the limitation of actions and prov of persons dying within this Stat

11. "An act for the more eas debts."

Extract from the minutes.

Sent for concurrence.

On motion, the foregoing reso concurred in.



*Ordered*, That Mr. Raymond wait on the House of Assembly and return the said resolution, concurred in, together with the engrossed bills therein mentioned; which he did accordingly.

On motion,

*Resolved*, That Mr. Shankland and Mr. Tilton be a committee to wait on his Excellency, the President, to know his reasons for not commissioning the person chosen the last sitting of the General Assembly as fourth Justice of the Court of Common Pleas for the County of Sussex.

The committee returned and reported that they had waited on his Excellency, the President, and he informed them that he had not had official information of the appointment of a Justice at the last session, and requested a copy of the proceedings of the General Assembly on that occasion, that he would then give his reasons in writing.

*Ordered*, That the Secretary furnish him with said copy; which he did accordingly.

On recurring to the minutes of Council at the meeting of the General Assembly, in Council Chamber, the first day of February last, it appears that Mr. Cooper's name was not entered in the yeas and nays, which was ordered by the Council the morning following, but omitted, and as Mr. Cooper was present at the time the question was taken, his name was, by his own request and order of Council, inserted as yea.

Mr. McKennan, a member of Assembly, was admitted and presented the following resolution of that House, which was, by order, read, viz:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, P. M., May 4th, 1792.

WHEREAS John Clayton, who declared he spoke the sentiments of the people of Kent County, hath, as one of the Commissioners for completing the Court House in Dover, insulted the Legislature of this State by denying them the use of the chambers heretofore occupied by the General Assembly for holding their sessions, requiring them to be delivered up for the use of workmen employed about the building, in consequence of which both Houses have adjourned the sessions to Duck Creek Cross-Roads; therefore

*Resolved unanimously*, That, Assembly, the Legislature of this State, to the caprice of any individual, it be proper for them to hold their sessions until the Levy Court of Kent County, by authority, shall, by an explicit act, the chambers in the said Court House, the Legislature heretofore expressed.

*Ordered*, That the above resolution be under their consideration and concurrence.

Extract from the minutes.

JAS.

Mr. Maxwell, a member of Assembly, presented the following message from the Governor, together with the inclosures thereon, in order, read, viz:

*Gentlemen of the General Assembly*

A majority of the Legislative Assembly represented to me that a meeting of the Assembly for great public utility, and request that the same should be convened on the first of the month, therefore, on the eighteenth day of the month, I have the honor to inform you of the same, and to request that you will inform the Assembly of that purpose, which I am, Sir, very respectfully, your obedient servant.

A letter, dated the 23d ulto., was received from me from Thomas McKean and his associates, attorneys of the late proprietaries, in relation to the unappropriated lands in this State, and the fines, and monies in arrear, which are due to the said late proprietaries. The same was read to the Secretary to lay the same before the Assembly for consideration.

The Secretary will also deliver a message to the Assembly, Esquire, dated the 16th ulto., on the subject of the Peace for the County of New Kent, of John Clayton, Esquire, dated the 16th ulto.

on of third Justice of the Court of Common Pleas and Orphans' Court for the County of Kent.

I have also directed to be laid before you a letter of the 31st of January last, from his Excellency the Governor of Georgia, enclosing a concurrent resolution of the General Assembly of that State, instructing their Senators to move that the doors of the Senate of the United States be kept open, whilst sitting in their legislative capacity.

The act of Assembly entitled "An act to render parts of divers acts of Assembly, and certain law proceedings, more conformable to the present Constitution," operates, in many instances, very injuriously by restricting the several Courts of Quarter Sessions in issuing recommendations for the keeping of houses of public entertainment to the session annually held in the month of February, whereas, in a great variety of cases, the performance of that duty can be exercised at a subsequent session, if requisite, more beneficially, both to the public and the parties interested. The inconvenience complained of might be remedied with great facility, and I therefore recommend it to the attention of your honours.

J. CLAYTON.

Dover, May 2d, 1792.

Adjourned to eight o'clock to-morrow morning.

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SATURDAY, May 5th, 1792, A. M.

Council assembled. Present as yesterday.

On motion, the resolution of the House of Assembly of yesterday, respecting the adjournment to this place, was read and concurred in.

*Ordered*, That Mr. Tilton wait on the House of Assembly and deliver the following verbal message, together with the following resolution, for their concurrence:



Mr. Truitt, a member of Assembly, was admitted and presented bill entitled "A supplement to the act for expediting the collection of the arrearage taxes," passed by the House of Assembly and sent for concurrence, which was, on motion, read.

Mr. McKennan, a member of Assembly, was admitted and presented sundry petitions, signed by a number of the inhabitants of New Castle County, praying an act to incorporate a company for the purpose of cutting and making a canal and lock navigation from the headwaters of the Brandywine Creek down along the same into the Borough of Wilmington, together with the following resolution of the House of Assembly:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, P. M., May 4th, 1792.

WHEREAS it is represented to this General Assembly that a canal and lock navigation on the waters of Brandywine River, extending from Chester County, in Pennsylvania, through part of New Castle County to the Borough of Wilmington, is practicable, and, if executed, would be attended with great advantage to the agricultural and commercial interests of both States, this General Assembly, willing to encourage designs of such public utility, do

*Resolve*, That ——— be and they are hereby appointed commissioners on the part of this State to view the grounds through which the said canal is intended to pass, and, in conjunction with others on the part of Pennsylvania, to note down the elevations and distances by plot and survey, and to make an estimate of the probable expense, and report their proceedings to the next General Assembly, to whom it is recommended to make an adequate allowance to the said commissioners for their time, trouble, and expense in the performance of the said duty.

Names of the commissioners proposed: William McKennan, Esquire, Mr. James Morris, Mr. John Tennant, Mr. Charles Pope, and Daniel Rodgers, Esquire.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

*Cl'k Assembly.*

On motion, the foregoing resolution was read and non-concurred in.

Mr. Robinson, a member of the Council, returned the bill entitled "An act for amending and continuing the act for auditing and settling the accounts of the State, and for the more effectual execution of the amendment proposed thereto by the Council," was, on motion, read and concurred in.

*Ordered* that the said bill be read a second time.

On motion, by special order, the bill was read a second time.

The bill entitled "A supplement to the act for expediting the collection of the duties on imports," was read a second time and passed by the Council.

*Ordered*, That Mr. Cooper read the report of the Committee of Assembly; which he did accordingly.

Mr. Tilton laid on the table the petition of the

WHEREAS a number of the inhabitants of the County of Chester petitioned to this General Assembly for an improvement in the navigation on the waters of the Delaware River from Chester County, in Pennsylvania, to the Borough of West Chester, which improvement, if executed, would be attended with great benefit to the cultural and commercial interests of the County; and the Assembly, willing to encourage the same, resolved,

*Resolve*, That ——— be and they be authorized to appoint commissioners on the part of this State to view the ground thro' which the river flows, and, in conjunction with others, to make a map, and to note down the elevation and distance of the river, and to make an estimate of the probable cost of the improvement, and to report thereon to the next General Assembly. And the commissioners make compensation to the owners of the land, for the time, trouble, and expense in the execution of the same.

Names of the commissioners appointed, Shallcross, Eleazar McComb, Vinton, and Hollingsworth, Esquires.

On motion, said resolution was passed.

*Ordered*, That Mr. Tilton wait on the House of Assembly and deliver said resolution, for their concurrence; which he did accordingly.

The committee appointed to wait on his Excellency, the President, delivered the following communication from his Excellency, which was, by order, read:

*Gentlemen of the Council:*

Your committee have communicated to me a message from your honorable House, desiring to know my reasons for not commissioning the person chosen the last sitting of the General Assembly, as fourth Justice of the Court of Common Pleas for the County of Sussex.

By the 12th section of the Constitution of this State it is declared that the President and the General Assembly shall, by joint ballot, appoint the Justices of the Supreme Court, the Judge of Admiralty, and the Justices of the Courts of Common Pleas and Orphans' Courts. And, in the seventh section of the said Constitution, it is declared that, on the death, inability, or absence of the President from the State, the Speaker of the Legislative Council, for the time being, shall be Vice-President, &c. It is by the joint ballot of the President and General Assembly only that a constitutional appointment of a Justice of the Courts of Common Pleas of the County of Sussex, aforesaid, could, at the last session of the General Assembly, have been made, as no inability on my part, nor absence from the State, could have authorized the exercise of the powers of the President by any other person, agreeable to the provision contained in the seventh section of the Constitution.

The President of the State, where neither inability nor absence from the State takes place, is a constituent part of the body constitutionally vested with those appointments, and not being required by the Constitution or any law of this State to be constantly attendant on the General Assembly, ought, I conceive, to have received a notification to attend for the purpose of proceeding to such appointments, and in this opinion I was warranted by the invariable practice of the Legislature on every similar occasion which has occurred since the Revolution.

In the present instance of an election of a person as fourth

Justice of the Court of Common Pleas, although I had been for many days of the Legislature was held, and within the State, and exercising received any notification or information of the General Assembly to prove the said election was made within the present thereat, I cannot but deem these circumstances I consider more to the public in the character of an obligation of my oath, to refuse to thus unconstitutionally elected as a Justice of the Court of Common Pleas for the County of Kent.

Duck Creek Cross-Roads, Maryland.

On motion,

*Ordered*, That Mr. Shankland deliver the following verbal message to the General Assembly, viz:

*Gentlemen:*

The Council propose to the next meeting of the General Assembly at 12 o'clock, in order to put in nomination shall be chosen a Justice to succeed the death of Peter Fretwell Wright in the County of Kent, in the Court of Common Pleas, in the vacancy in the Court of Common Pleas for the County of Kent, occasioned by the resignation of Mr. Maxwell.

Mr. Maxwell, a member of the Council, turned the foregoing message, and adjournment of the General Assembly at Duck Creek Cross-Roads, disagreed to by the House of Delegates, resolution respecting said adjournment by Council, adhered to by the House of Delegates.

Mr. Maxwell also presented a message, was, by order, read, viz:



IN THE HOUSE OF ASSEMBLY, May 5th, 1792, A. M.

*Resolved*, That it is the intention of this House to conclude the present session this afternoon at one o'clock, and that a copy of this resolution be sent to the Council for their information.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly*.

On motion, the resolution of Council respecting the adjournment of the General Assembly to Duck Creek Cross-Roads, disagreed to by the House of Assembly, was adhered to, as amended, and the resolution of the House of Assembly respecting said adjournment, rejected by Council and adhered to by that House, was, on motion, still rejected by Council.

*Ordered*, That Mr. Cooper wait on the House of Assembly and return the last mentioned resolutions; which he did accordingly.

Adjourned for one hour.

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SATURDAY, 5th May, 1792, P. M.

Council assembled.

Mr. Many, a member of Assembly, was admitted and returned the resolution of Council respecting the canal and lock navigation, concurred in by the House of Assembly, and the blank was filled up with the names of the Commissioners appointed by the General Assembly.

Mr. Barratt, a member of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, May 5th, 1792.

WHEREAS a vacancy hath happened in the representation of the County of Kent, in the Convention, occasioned by the death of James Sykes, Esq., and it is expedient that the same be supplied by a new election; therefore



Mr. McKennan, a member of Assembly, was admitted and returned the resolution of Council respecting the adjournment of the General Assembly to Duck Creek Cross-Roads, concurred in by the House of Assembly, and their adherence to the resolution of that House on said adjournment receded from.

Mr. McKennan also presented the following resolution, together with the bills therein mentioned, signed by the Speaker of the House of Assembly, viz:

IN THE HOUSE OF ASSEMBLY, May 5th, 1792, P. M.

*Resolved*, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts:

1. "A supplement to an act entitled 'An act for expediting the collection of arrearage taxes, and other purposes;'"
2. "An act continuing in force an act entitled 'An act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same.'"

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

*Cl'k of Assembly.*

On motion,

*Ordered* That the Speaker of Council do now sign the first mentioned act in the above resolution.

Whereupon the Speaker signed the said bill accordingly.

On motion, the above resolution, for affixing the Great Seal, was read, considered and agreed to,

*Ordered*, That Mr. — do now return said resolution; which he did accordingly.

On motion,

*Ordered*, That an order be now drawn on the State Treasurer, and signed by the Speaker, in favor of John White, of Wilmington, for the sum of five pounds five shillings, for making a pair of venetian blinds for forty-light window, agreeable to the direc-

tion of John Gordon, deceased  
House at Dover.

Whereupon an order was dra

On motion,

*Ordered*, That the Secretary  
member of the Convention of th  
lution of the General Assembly  
journing the present session to  
before the next meeting of the C  
may be laid before the Convent

Council made the following al

To the Honorable George Mit  
for 6 days' attendance and  
To Nehemiah Tilton, Esq., for 7  
mileage, . . . . .  
To Archibald Alexander, Esq.  
ance and mileage, . . . . .  
To James Raymond, Esq., for 4  
mileage (not charged or or  
To Rhoads Shankland, Esq., f  
and mileage, . . . . .  
To Isaac Cooper, Esq., for 6  
mileage, . . . . .  
To Charles Nixon, for 5 days'  
tary, engrossing, paper, &c  
To Thomas Wild, for 5 days'  
keeper and bell-ringer, . .  
To James Battell, for the use of t

Council adjourned to 20th Oc

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\* There is no record of a meeting of  
adjourned, a new Constitution having  
day of June. The manuscript next in o  
the Senate, the General Assembly hav  
to choose Electors for President and V  
session was held in Dover.







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